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OCTOBER 1969 OCTOBRE

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A Tribute to James B. Milner

The Strax Case

"Canadianization" and the University
« Canadianisation » et l'université

Échelles de traitement des professeurs, 1969-1970
Salary Scales for University Teachers, 1969-1970

Copyright and Higher Education

VOLUME 18 TOME NUMBER 1 NUMÉRO

THE CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS
ASSOCIATION CANADIENNE DES PROFESSEURS D'UNIVERSITÉ

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ASSOCIATION CANADIENNE DES PROFESSEURS D'UNIVERSITÉ

c.a.u.t. BULLETIN de l'a.c.p.u.

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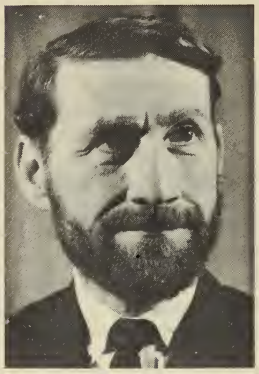
PERSONNEL PROFESSIONNEL DE L'A.C.P.U. NOUVELLES NOMINATIONS



ALWYN BERLAND

EXECUTIVE SECRETARY
SECRÉTAIRE GÉNÉRAL

Professor Alwyn Berland, formerly Dean of Arts and Science at the University of Saskatchewan (Regina), assumed office on 1 July 1969.

Monsieur Alwyn Berland, qui était doyen de la faculté d'*Arts and Science* de l'*University of Saskatchewan* (Regina), entre en fonctions le 1er juillet 1969.

SECRÉTAIRE GÉNÉRAL ADJOINT
ASSOCIATE EXECUTIVE SECRETARY

Monsieur Wilfrid M. Dubé, qui était professeur adjoint de sciences religieuses à l'Université d'Ottawa, assume ses fonctions depuis le 1er juillet 1969. En plus des tâches générales, il se charge des relations avec les associations des professeurs des universités francophones; il devient directeur adjoint du *Bulletin de l'A.C.P.U.*

Professor Wilfrid M. Dubé, formerly Assistant Professor of Religious Studies, University of Ottawa, assumed office on 1 July 1969. Besides his general duties, he assumes responsibility for liaison with faculty associations in the francophone universities and becomes Associate Editor of the *C.A.U.T. Bulletin.*

WILFRID M. DUBÉ

THE MAY COUNCIL MEETING

— A Brief Report —

The annual meeting of the Council and of the General Membership took place at the Park Plaza Hotel, Toronto, on May 22-23, 1969. Forty-two member associations were represented, with four absent. Among the guests were Mr. William Woolf of the American Association of University Professors, Mr. Ralph Mitchener, Office of the Secretary of State, and M. P. Boulet and P. Maynard of the Dominion Bureau of Statistics.

1969-1970 Executive

The following members were elected to the Executive and Finance Committee of the Association for 1969-1970:

President :	Professor Willard Allen (Alberta)
Past-President :	Professor C. B. Macpherson (Toronto)
Vice-President :	Professor J. Gordin Kaplan (Ottawa)
Treasurer :	Professor A. P. Monahan (Saint Mary's)
Members-at-large :	Professors Charles Bourne (U.B.C.)
	Robert Bertrand (Montréal)
	Richard Hiatt (Brock)
	Mark Segal (Dalhousie)
	Roger Verschingel (S.G.W.)

Committee Reports : A. F. and T. Committee

The Chairman of the Committee on Academic Freedom and Tenure presented an oral report which owing to special circumstances is printed elsewhere in this issue (see pages 30-39).

The Strax Affair

The most important item of business before Council concerned the Association's continuing involvement with the University of New Brunswick over the case of Professor Norman Strax. Following protracted debate on recommendation to Council from the Executive and Finance Committee that the C.A.U.T. censure against the President and Board

of Governors of U.N.B. not be lifted at this time, two resolutions were passed by Council:

> that the Executive and Finance Committee be authorized to lift censure, on behalf of Council, when the Committee is satisfied that the University has fully met its obligations under the agreement;
>
> that in view of the recent public statement of concern by the Association of Universities and Colleges of Canada about academic freedom and tenure at Canadian universities and in view of the long continuing unsatisfactory situation with regard to academic freedom at the University of New Brunswick; we (C.A.U.T.) invite the A.U.C.C. to join with C.A.U.T. in the continuing censure of the President and Board of Governors of the University of New Brunswick.

A summary account of developments since the May meeting of Council is printed on pages 44-45 of this issue.

Treasurer's Report

The Treasurer presented the annual review of revenue and expenditures, including membership and fees. The text of these reports is printed on pages 21-24.

It was agreed that the review of the system of fees reductions for member associations which belong to provincial associations would be postponed for one year, the system to continue in effect for two further years beyond the present one.

A new formula for travel subsidy to meetings of Council was approved.

Revision of the C.A.U.T. Constitution

During the Council sessions, four small workshops were held concurrently, involving delegates and observers, to discuss proposals to amend the Association's constitution. The results of these workshops were tabled and the Executive accepted responsibility for carrying forward the various recommendations and to bring specific amendments before Council at a later date.

C.A.U.T. Policy Statement on Requests from Individual Universities for Joint Inquiries Involving C.A.U.T. and A.U.C.C.

After debate on the matter, Council adopted the following *Policy Statement* proposed by the Executive and Finance Committee:

> That while C.A.U.T. continues to be willing to respond to requests from constituent faculty associations, and individual members, to inquire into situations within any university which affect the rights and responsibilities of faculty members, it is unwilling to confuse its functions with the functions of university administrators by taking part in joint C.A.U.T.-A.U.C.C. committees to inquire into or recommend on situations within particular universities. That C.A.U.T. is also prepared to offer, after consultation with the constituent association, its good offices in response to requests from any university administration for advice or assistance in such situations.

University Faculty Employment Policies and Practices

Professor Robin Mathews (Carleton University) was present at the meeting, requested, and was granted permission to address the Council on his concern about the question of the "De-Canadianization of Canadian Universities". After considerable discussion in Council of related matters, the Council passed a resolution expressing the conviction of the Association that all vacancies for academic and administrative posts in Canadian universities should be advertized in appropriate Canadian journals and, where relevant, in newspapers.

Two other motions, one affirming C.A.U.T. support for the principle that applicants for faculty positions in Canadian universities be considered on grounds of academic qualifications alone; the other that, when several applicants for an academic position are more or less equally qualified, the Canadian citizen be given preference, were defeated.

Subsequently, the Executive and Finance Committee prepared a Position Paper on the matter, and this Paper is published on pages 42-46.

New Associate Executive Secretary

The President announced that the Executive and Finance Committee had appointed Professor Wilfrid Dubé (University of Ottawa) as

a second Associate Executive Secretary. Professor Dubé will join the staff on July 1, 1969.

Annual General Meeting

At the Annual General Meeting of the Association, held on the evening of May 22, the President presented his *Report*, published here on pages 7-15, and the retiring Executive Secretary, J. Percy Smith, was presented with an Honorary Life Membership in the Association.

E.J.M.

SECRÉTAIRE GÉNÉRAL ADJOINT

L'Association canadienne des professeurs d'université requiert les services d'un secrétaire adjoint.
Entrée en fonction : 1er juillet 1970.

Fonctions : en plus de participer à l'administration et aux travaux de consultation, le titulaire se verra confier des tâches de coordination auprès d'organismes reliés à l'Association.

Rémunération : échelle de traitement du professeur agrégé; excellents avantages sociaux dont un régime de congé sabbatique avantageux.

Recherchons de préférence un candidat d'expression française, si nécessaire nous lui fournirons l'occasion d'améliorer ses connaissances de la langue seconde.

L'expérience comme professeur d'université et les travaux au sein d'une association des professeurs seront considérés.

Veuillez adresser toute correspondance ou soumettre votre candidature **par écrit** :

secrétaire général
Association canadienne des professeurs d'université
233, rue Gilmour, bureau 700
Ottawa 4, Ontario

THE VIOLENT SOCIETY AND THE LIBERAL*

C. B. Macpherson

I propose to use this report to offer some reflections on one feature of the Canadian university scene which is likely to engross more and more of the attention and energy of university professors in the immediate future. If it is not yet a C.A.U.T. problem, it soon will be. Although, as I shall argue, the main action it requires from professors cannot be performed for them by any organization, the C.A.U.T. will neither want to nor be able to stand aside.

The feature I refer to is the new range of student demands on universities — what publicists have accustomed us to think of as the student revolt. We shall get to the heart of the matter at once if we notice that the new stance of the students — that is, of the increasingly active, organized and effective student movements — is primarily a rejection of some things about the whole outside society, and only consequently of some things they find in, or read into, the university.

There is nothing more striking and revealing in the new student attitude than the fact that for many of the students the word "liberal", applied to the university and to society as a whole, has become a term of disdain. This surely is a case of an attitude towards established society as a whole being carried over, justly or unjustly, into an attitude towards the university. The question is whether anything can be done, within the university, to offset the potentially destructive effect on the university of this new attitude which has its roots outside. I think something can be done, and there is some urgency about doing it.

The new range of demands which students are making of the university is extensive and varied, but they have a common denominator. It is that the students are beginning to think of the universities as *their* universities. The most active and socially conscious students already start from that as a premiss — start from the premiss that the universities should be *for* the students in a way they have not been for many centuries. The question that touches us most nearly is, of course, what this is likely to do to our vision of the university. For we, as university professors, have been pressing for years now to make the universities more nearly *ours,* on the apparently reasonable ground that we know more about knowledge than do boards of governors or legislators.

---

* Report of the President, delivered at the annual meeting of the Canadian Association of University Teachers, May 22, 1969.

Should we now welcome the students as allies, or reject them as diversionaries ? Should we insist that they are apprentices, or customers, or should we accept their view that they have some insight to contribute, even something to teach us, about the desirable relation of the university to society ? I pick on their potential insight into the desirable relation of university to society because I think their claim to have this insight is the most important claim underlying their demands for a bigger place in the university sun.

I am not talking about the demands for an effective voice in matters of curriculum. This they are rapidly getting already, and although there are differences of opinion about how much power students should have over curriculum, most professors now agree that they should have a good deal — indeed, some of us, with hindsight, are heard to say that they should have had more earlier. But this is not where the main thrust will come, from now on. It will come — and has already in some universities come — in the matter of student power in the governance of departments, faculties, and the university as a whole.

In so far as these demands can be justified at all, they can be so only in the measure that a presumption can be shown that students as students, or rather, as socially-conscious young adults, have insights which professors on the whole have not about the desirable relation of the university to society. If we can show that we have such insights, not only will the extreme student demands not be justified; they will, I shall try to show, not even be necessary from the students' own point of view.

The radical students' main concern, as I understand it, is with the quality of society. Their complaint about the university is that it is an emanation of a society they find hollow and menacing. If they reject the liberal university it is because they see it as a reflection and an engine of the liberal society, whose moral values and power structure and actual behaviour, especially in the paradigm case of the United States, they find abominable. They see all around them the managed economy, and they see closing in on them the managed society. They see the greatest society in the Western world relying increasingly openly on violence, at home and abroad, for purposes they do not share; and they do not expect Canadian society to be immune. They see that this violent, managed, repressive society is called liberal. No wonder they are not charmed by academic invocations of the liberal ideal. The system called liberal they judge immoral. If they have a strong sense of

morality, or humanity, they want no part in the management. They don't want to be trained to fit into a manipulated society, either as manipulators or manipulated.

The combination, in any individual, of social conscience and social consciousness, is an explosive mixture, in any era when moral values and new possibilities of human development are at odds with entrenched and ramifying institutions. The mixture is more likely to be found in those who have nothing to lose but their youth than in those who have lost their youth but cling to their illusions.

To speak more prosaically, the main complaint of the radical students is that the universities have become knowledge factories serving the purposes, and the self-perpetuating power structure, of corporate capitalism, or of what has neatly been called administrative imperialism. Massive documentation of this indictment in respect of United States universities is available, ranging from Clark Kerr's candid analysis of the American multiversity to Noam Chomsky's high-temperature analysis of *American Power and the New Mandarins.*

I think the radical students are wrong in applying such analyses indiscriminately (as they are apt to do) to Canadian universities. I think we have not come to such a pass yet. In a short piece I wrote for the University of Toronto student newspaper a few months ago [1] I suggested one reason for the difference. It was simply that, because Canadian corporate capitalism is so largely controlled from the U.S., and hence can get its research and ideological needs served in the U.S. multiversities, it does not make serious demands on Canadian universities. Another reason has been offered by two radical analysts of the U.S. and Canadian scene, John and Margaret Rowntree, who in a remarkable joint article entitled "The Political Economy of Youth" [2] point out that Canada as a still developing country "has not yet had to confront the acute problem of economic surplus disposal that plagues the United States", so that Canadian youth "are not treated as simply manpower to be disposed of in the easiest fashion possible but as a valuable resource essential to the economic development of its other resources". However, the same pressures will quite possibly arise here as have turned so many U.S. universities into a combination of training grounds for the personnel required by a technological and corporate society, and

1 *The Varsity*, Feb. 12, 1969.
2 *Our Generation*, vol. 6, nos. 1 and 2, at p. 184.

dumping grounds for surplus labour force. Canadian student critics of Canadian universities, in reading U.S. analyses into Canada, are I think wrong, but are perhaps simply ahead of their time.

If any credence can be given to the analysis I have been suggesting so far, there may still be time to save Canadian universities. But it will avail us nothing to take a stand on the university as a community of scholars: the students — especially those who both are excellent students and believe that knowledge should serve man — will want, quite properly, to know why they are not regarded equally as scholars. Nor will it avail us to invoke the university as "the place of liberty", given the students' appreciation of the hollowness of the market concept of liberty, which is, after all, the concept we, as faculty, are too apt to appeal to when we are making our claims for a larger share of the G.N.P.

The only thing that is likely to avail us is for us to become more critically aware of our relation, and of the relation of each of our disciplines, to the society outside. We have been so busy (quite rightly) resisting various pressures from outside, pressures which if not resisted would undermine the traditional ideal of the university as a centre for the free pursuit of knowledge, that we are apt not to recognize that the new wave of student demands is itself a reflection of forces at work in society as a whole. They are not just student demands; they are demands made by a particularly intelligent and vocal section of society in the name of a new vision of society. This year's or next year's student demands on universities are quite possibly an advance formation of next year's or next decade's citizen demands on society. This does not make them automatically right or just. But it does put them in a different category from the unthinking older sort of social pressures on universities. And the new pressures do not call for the same response as the older pressures.

Many responses on the part of the faculty are possible. I start from the hypothesis, the validity of which will be denied by some student radicals but not I think by all, that the students' fundamental concern is not with the apparatus of intra-university democratic control but with the contribution the university can make to a humane and in the broadest sense democratic quality of society as a whole. On this hypothesis, their demands for participatory democracy, or for parallel power, at every level of government within the university, are merely

instrumental demands: their case for having such power is that it is necessary to prevent the university becoming (some of them would say, remaining) a cog in the corporate capitalist machine.

If we can show them that we also are not willing to have universities treated as cogs (in any machine), and that we see how to prevent it, we shall have met their fundamental demand. And this is what we ought to be doing anyway. The student demands only make it more imperative that we should see our task clearly and get on with it.

The task is to make the university not just a place for the creation of new knowledge and the dissemination of knowledge, but above all a place for the development of *critical* understanding and critical intellectual ability.

No doubt some of us are trying to do that now, or think we are doing it. But those of us who are most conscious of the need to do so are perhaps too charitable or too optimistic in our estimates of our colleagues' awareness of this need. My experience, in just this past year, in protracted series of meetings of joint student-faculty committees in my own university, and in student-faculty symposia at several other universities, has been that many of the best students — best by any criterion — find us wanting in just this respect, in a way they did not do a few years ago. This is probably due to concurrent changes in our performance and their expectations. As to our performance, the increase in the sheer mass of new scientific and scholarly work that each of us feels obliged to master, and to have at least the advanced students master, sets up a pervasive pressure against critical thought. As to the students' expectation, the more they are critical of society and hence of the uses to which knowledge is put by society, the more they demand a critical approach instead of high-pressure transmission.

Whatever the reasons that students increasingly find us wanting, the fact remains. And it is likely to be increasingly in evidence unless we do something about it. I am suggesting not just that we should become more critical of ourselves and of our material, but that we should adopt a more critical approach to our material in such a way that the students will realize that we are doing it, and so will be eager to do it with us rather than against us. And I am arguing that this would be not a retreat on our part, but an advance: this it would prevent us slipping into the function of mere knowledge machines.

No doubt some of the student demands that the academic work they are offered should be "relevant" are ill-informed or short-sighted. But some are not. And I think that what lies behind the most intelligent of such demands is precisely the hunger for a critical approach, which means, among other things, communicating some awareness of the possible relation of the subject-matter in question to twentieth century (and twenty-first century) society, however directly or indirectly the subject-matter may permit or require such relation to be shown. This sort of critical approach should make our subjects more meaningful to us as well as to the students. I would even argue that only this sort of approach can keep the universities where they should be, that is, as the intellectual power-houses of society, not just the feeder stations for technological empires.

If this is so, we can say that the only rational grounds on which the leadership and power of the faculty can be justified to the students are also the most rational grounds on which we can justify that leadership and power — such leadership and power as we have — to ourselves.

In any case, if we cannot show such rational grounds to the students, there is not likely to be much future for anyone worthy of the name of professor. There will be nothing ahead except increasing confrontation between students and governors, and students and faculty, in which, whether the students or the outside society wins, the professors lose: lose not just the power and influence they think they should have, but the possibility of functioning as scholars and teachers in any humane advancement of learning. And in that case, the university, on any concept of the university, loses.

You may think this picture is overdrawn. But is it ? No-one would now attempt to estimate the force for change which students can generate simply by calculating the present ratio of activist radical students to the rest: that would be to overlook the dynamism of the movement. What the amount of the students' force for social change depends on is, I think, different in the long run and the short run. In the long run it no doubt depends largely on the response the radical students can get from those outside the universities who feel equally impotent or threatened by the vast impersonality of the corporate and technological structure of power in modern society. The amount of such feeling now is less in Canada than in the U.S., just as it is less in the U.S. than in France or Germany, but we should be wise to assume that it will

increase here as it seems likely to do there. For there is little doubt that the power of the corporate technological empire in each country will increase, if only because the knowledge explosion, or technology explosion, by its nature puts power in the hands of those who can organize and apply knowledge, who are the faceless corporations private and public, not the individuals who create or advance particular pieces of knowledge.[3] Yet on any evidence we have, a general public revolt against this is likely to be a very long-run affair. Student action can contribute to the development of a general sense of revolt but seems unlikely to bring it soon to such a pitch as would provide the requisite outside support. The radical students' force is thus unlikely to be sufficient for the attainment of their social goals in anything less than the very long run.

It is in this that the danger to the university lies. For in the short run, that is, in the next few years, the radical students' impatience with the long run will lead them to try to generate increasing force within the universities by attacking the university as it now is, or as they now see it. This must appear a reasonable strategy both to those radical students who have correctly calculated the difficulty and slowness of getting outside support, and to those who have miscalculated it. The latter are no doubt the more serious threat, not only to the university as it is but also as it might be — to the idea of the university as such. For they, having overestimated the public resistance to the managed violent society, and their own ability to stir it up, are willing to stake everything, the universities included, on a series of desperate throws to heighten the resistance. Each failure to generate outside resistance to the whole framework of society throws them back on new efforts to generate internal resistance to the framework of the university. The tactics of confrontation, obstruction, and violence, the use of which against the institutions of the outside society they think justified by the violent and repressive nature of outside society, are turned inwards and used against the university itself. The attack is mounted against the "liberal" university, as an offshoot of the violent, repressive "liberal" society.

We, the faculty, over-thirty and brought up in the tradition of the liberal university, deny that the university today is, or that it need be, an offshoot or a copy of the violent repressive society (however much or however little we agree with the radical student's assessment of the nature

3 Cf. John McDermott: "Overclass-Underclass: Knowledge is Power", *The Nation*, Ap. 14, 1969.

of the outside society). But it is surely clear the mere denial is not now enough to save the liberal university. Nor is it enough for us to adopt, or to support university administrations in adopting, in response to student illiberal tactics, either of two policies that are widely advocated — greater permissiveness, or calling in the police. Vacillation between the two is worst of all. Greater permissiveness is sometimes desirable : this depends on how unpermissive a particular university had been. Resort to police means that the liberal university has already been defeated, through whosever fault.

What, then, can we as faculty do ? I suggest that we should, while (or if) there is still time, change our concept of the university from the liberal university to the critical university, and change our practice accordingly. The twentieth century is the age of slogans : no political initiative these days, it seems, can be taken without one, or can proceed far without one or two in reserve. The academic community is, for understandable reasons, not given to political initiatives, and not enamoured of slogans. But it is time for us to recognize that the defence of the university is now more than ever a political matter in the broadest sense, and that we have been in effect operating under a slogan for a long time now. The slogan of liberty has served us well for a century, but it has lost its magic. What should replace it ? I have argued that we can redeem ourselves only by concentrating on our function of developing the widest and deepest critical intelligence. So, if we must have a slogan, let it be "From the Liberal to the Critical University". We need not put it on banners, but we should put it at the front of our minds, and steadily act on it.

This is, you may say, only a shift of emphasis, for the main reason the university has always demanded liberty has been to ensure that the critical function could be freely carried on within it. That is true. But the shift of emphasis is now of some consequence. The critical understanding of nature, man, and society — criticism in its largest sense — is no less important now than hitherto; what has become more important now than formerly is, if I may rephrase the maxim about justice, that criticism should not only be done but should be seen to be done. It should be seen by the students to be done. If it is, the students can be expected to respond positively, to develop their critical intellects in relation to the fields of knowledge they are pursuing, and to contribute, as they advance, to the advancement of learning. But if the critical function is not performed, and seen to be performed, we as professors

shall have mainly our own short-sightedness to blame for the destruction of our own ideal of a university, of our own raison d'être, and of our authority.

ASSOCIATE EXECUTIVE SECRETARY

The Canadian Association of University Teachers requires an Associate Executive Secretary to take up duties in the Ottawa office on 1 July 1970.

Duties : will include organizational work on behalf of the C.A.U.T. in addition to a variety of administrative and advisory tasks in the central office.

Salary : in the Associate Professors' range, with excellent fringe benefits, including generous sabbatical leave provisions.

Bilingualism is strongly desirable, experience as a faculty member and in faculty association work would be valuable.

Address applications and enquiries **in writing** to :

The Executive Secretary,
Canadian Association of University Teachers,
233 Gilmour Street, Suite 700,
Ottawa 4, Ontario.

REPORT OF THE EXECUTIVE SECRETARY

(prepared for the Annual Meeting, June, 1969.)

This will be my fifth and last annual report as Executive Secretary of the Association. In previous years I have provided commentaries rather than reports, since the specific business of the Association is reviewed and debated by the Council. I propose to follow that pattern once more.

I confess to being tempted to turn this year's non-report into an exercise in retrospection. The memories of many of you go back, as mine do, to the beginnings of the C.A.U.T., and there would be a certain satisfaction in reviewing our growth and achievement through eighteen years, with particular reference to the last five. There would also be satisfaction, and perhaps entertainment, in telling some of the untold tales of my term in the central office, ranging from the comic to the infuriating: as, for example, the occasion on which four of us were, at the suggestion of the then Prime Minister, given an opportunity to interview a cabinet minister who was said to have some special concern with higher education. As a result we were treated to an hour-long diatribe against professors, who are lazy, irresponsible, out-of-date, and clearly filled with an uncontrollable urge to become still lazier and more irresponsible and more out-of-date. It all just went to show that even a bird in a gilded cage may be only a goose after all.

But academics, like politicians, are prone to fall into premature anecdotage, and I shall try to confine myself to present problems. The year 1968-69 has been one of growth and achievement for the C.A.U.T., and of unremitting whirling activity for the professional staff. I shall return to some central office matters. Let me say here only that in this past year we were caught in more intensive and more varied activities than I should have thought possible; that although we have driven ourselves very hard, we have nevertheless (for the first time, so far as I know) failed to deal with a number of important matters that demanded attention; and that in my sober judgment, if Alwyn Berland had not joined the staff in January the work of the Association would have been brought almost to a halt. When Professor Berland arrived, we had a quaint notion that he would spend three or four months in familiarizing himself thoroughly with the background and ramifications of C.A.U.T. work, and with the job of Executive Secretary that he is about to assume. The notion lasted

about eight days, at which point Ed Monahan and I simply took our new colleague by the heels and threw him — not without a sigh for hopes defeated — bodily into the machinery. Whether he is sadder and wiser, or just tougher, you will discover in the coming months.

In spite of lapses that have occurred in our programme — and I do not make light of them — I think it fair to say that in the past year the Association has achieved new strength and stature, and full recognition as the embodiment of the organized will of university faculty members. The effectiveness of the resolution of censure directed one year ago against the Board and President of Simon Fraser University demonstrated dramatically that the C.A.U.T. is a force whose objectives are worthy, whose opinions are to be respected, whose strength is formidable. The long, careful, forebearing — perhaps after all too patient — work of dealing with the Strax affair underlined the validity of that demonstration. Indeed, let me say — since I did not participate in it — that the debate at the special meeting of the Council in March was marked by a degree of sensitivity, fair-mindedness, perception, and profoundly serious concern such as I have seldom seen.

Our stature, then, has grown. Our membership has continued to increase. We have kept out of debt and have even been able to provide a respectable fellowship for a graduate student. We have, I firmly believe, provided every faculty member in Canada with the assurance that there is a body of his colleagues working continuously for the improvement of university life and prepared to take effective action to ensure freedom and fair play for university teachers. The Association's record is a worthy one; and when some of our colleagues sneer at the supposed inability of academics to run their own affairs, as one did in Montreal the other day, I wonder how to persuade them to lift their eyes from their mirrors and look about them.

Let me now point at some problems that are at least partly products of successes. The Duff-Berdahl *Report,* which appeared more than three years ago, dealt mainly with the role of faculty in university government. Because some steps were taken at some universities to implement some of its recommendations, and because attention has been diverted to the claims of students to the right to participate in decision-making, there is a curious assumption abroad that the reforms proposed by Duff and Berdahl have been achieved — or even superseded — and that we are now, as it has been put to me several times recently, in "the post Duff-Berdahl period". Of course in a sense this

is true; but I urge faculty members to re-read the Duff-Berdahl *Report* and note its recommendations about such matters as budgetary openness, the selection and roles of presidents and deans, the structure and functions of senates, and consider soberly to what extent the principles implicit in the recommendations have in fact been applied at their own universities. There is no doubt that we have made a good deal of progress, and teachers at a few universities may have reason to be satisfied. But not at many. There is no doubt that faculty members are being used on an unprecedented scale for all sorts of routine administrative work; but that is not what Duff and Berdahl were talking about when they studied the decision-making processes of universities, and we are fools if we do not make the distinction.

Faculty associations and the C.A.U.T. must not at this point relax the pressure for better university government. At the same time, it seems to me that our role must be kept clear. Let me illustrate my meaning by two examples. First: during the past few months I have been asked on several occasions (three times in one bad week) by the heads of universities, whether the C.A.U.T. would assume the responsibility for setting right departments that in the presidential view were wrong, tracking down faculty malefactors and punishing them, or in other ways performing the less pleasant duties of senior administrators. I had of course to reply that these things are not the job of this Association; that our function in such matters is to try to ensure that faculty members are dealt with fairly and honestly. It is surely our concern that universities be better and more effective institutions; it is therefore right that we should press for policies and procedures that will enable the very necessary work of administration to be better done; but it is not our job to do the administrators' work for them. Nor is there any logic in the argument — which has been stated recently — that since faculty members are represented on the bodies that select university presidents, they must share responsibility for presidential blunders, stupidities, or failures of nerve, when these occur.

Second: There is distressing evidence on some campuses of efforts by senior administrative officers to use both the faculty association and the C.A.U.T. for their own ends. That former leaders in association work should want to make use of their experience and their knowledge of association strength for their particular purposes is natural. Still, it is not good enough for us to shake our heads ruefully and mutter about Lord Acton. If faculty associations and the C.A.U.T. are to maintain their roles, as providing a voice and a means of action for

university teachers as a professional body, they must resist entirely the effort to turn them into an arm of administration. It is felt by some that the best way of achieving this end is to exclude deans and other senior officers from membership. I suggest that a more effective way is to make strenuous and continuing efforts to interest and involve young faculty members in our work, and to give their ideas and voices a full part in shaping our policies and programmes. This is not easy to achieve, but the alternative is the eventual decay of this organization and the growth of syndicalism.

In short, then, I think we need to be very wary of falling into that exercise in comfortable dishonesty that is sometimes called the company union. The problem has had some discussion in the *Bulletin* and elsewhere recently, and there is no question of its importance: what is the essential relation between the faculty association and the corporate university, and by extension between the C.A.U.T. and the A.U.C.C.? There is no question that in many areas the latter two bodies can and should co-operate harmoniously; but that their objectives and points of view should be identical seems to me absurd. I do not intend to repeat recent comments that I have made on this subject. Let me add only — what our president persuaded me to omit from my most recent letter to the newspapers — that I simply cannot take seriously statements on the importance of academic freedom that emanate from an organization that last fall elevated to its presidency a university head who only a few weeks earlier had shown the most flagrant scorn for the accepted principles of due process.

The problem of identifying and sustaining the role of faculty associations and the C.A.U.T. is inevitably a difficult one and a continuing one. Let me end this report by expressing my gratitude to those who have busied themselves with resolving it in these past five years: the officers and committee members of faculty associations and the C.A.U.T. In particular I am conscious of the leadership given by the six presidents under whom I have served: Professors Torrens, Laskin, St-Pierre, Rosenbluth, McCurdy, and Macpherson. I could not conceive of a more splendid succession. I am deeply conscious of the devoted work that has been done by Professor Milner, for nine years a member of the Committee on Academic Freedom and Tenure, for the past five its Chairman. No one has done so much to give the work of that Committee, and therefore of a vital organ of the Association, its essential character. It would be folly on my part to try to sum up here the greatness of Jim Milner's contribution to

the common good. Finally, let me thank the members of the central office staff, who have served us with full loyalty. My last words must concern those with whom I have talked daily about every aspect of our work: Mireille Lapointe, who has been not only our Research Officer but our advisor on countless questions; and Ed Monahan, who came to us initially for a ten-months stay and then agreed to remain for a full term as Associate Executive Secretary. His sensitive concern for the Association and its objectives, and his energy and courage, have been unbounded; for them, and for his companionship, I owe more thanks than I can possibly express.

J. Percy Smith.

J. H. STEWART REID MEMORIAL TRUST

Announces its first award

The J. H. Stewart Reid Memorial Fellowship
for 1969-1970, to

Brian R. Joseph, B.A. (Hon.) 1969
St. Francis Xavier University

For graduate study in Sociology
University of Toronto 1969-1970

C.A.U.T. MEMBERSHIP AND FEES, 1968-1969

Membership

Based on fees returns to date and information about expected returns, total membership in the C.A.U.T. for the 1968-1969 year is estimated at 11,700. Compared with the membership last year of some 10,300, this represents an increase of some 14%, somewhat higher than was projected. The increase in C.A.U.T. membership this year slightly exceeds the over-all increase in full-time faculty in Canadian universities. Though accurate figures on faculty numbers in Canadian universities are very difficult to obtain, I estimate the total number for the current academic year to be some 17,000, compared to slightly more than 15,000 for last year.

On the basis of these figures, membership in the C.A.U.T. represents some 70% of those eligible, a goodly proportion but one that can still stand improvement. During the year two new faculty associations became affiliated with the C.A.U.T. and at present member associations are to be found at all but a small fraction of Canadian universities. The two major exceptions are Laval and Sherbrooke, and the re-affiliation of staff associations at these universities would add approximately 1,000 potential members to the C.A.U.T.

Several member associations show a substantial increase in numbers this year and most now count as members a very high percentage of those eligible. Less than ten currently enroll fewer than fifty percent of those eligible and only one shows a marked reduction in C.A.U.T. membership this year.

Of greater significance is the proportion of C.A.U.T. members in the various academic ranks. Prior to the introduction this year of the graduated fee schedule based on rank, no records were kept of C.A.U.T. membership by rank. When the graduated fee schedule was first proposed, it was assumed that C.A.U.T. membership by rank would follow the general distribution of faculty by rank across the country. But this has not proved to be the case. The following table shows the proportions of full-time faculty in Canadian universities by rank, with the proportion of C.A.U.T. membership by rank following in brackets:

	Canada	*C.A.U.T.*
Professor	19%	(23%)
Associate Professor	27.5%	(29%)
Assistant Professor	38.5%	(34%)
Other ranks	15%	(13%)

Although this pattern of membership has favourable effects on C.A.U.T. revenue, it should be noted that the Association is slightly under-represented in membership from the two lower academic ranks, a fact that bears reflection.

Fees

The current estimate of gross revenue from fees for the 1968-1969 fiscal year is some $234,000.00, a figure that compares favourably with the estimate of $220,000.00 made in May, 1968. This is due to the above-mentioned increase in membership slightly higher than forecast and the increased proportion of members in the two higher academic ranks. However, the number of member associations claiming a reduction of fees by reason of membership in a provincial association (as predicted) has also increased and this results in a slightly higher amount than originally estimated going to meet this charge.

As in the preceding year, all member associations in Quebec eligible to claim the fees reduction by reason of membership in F.A.P.U.Q. have done so; and this year thirteen of the fifteen eligible member associations in Ontario have claimed the fee reduction by reason of membership in O.C.U.F.A. This brings the total "cost" to the C.A.U.T. for this item to some $22,500.00, $2,500 more than had been estimated when the budget was first drawn up a year ago.

1, v, 69. E. J. M.

C.A.U.T. REVENUE AND EXPENSES 1968-1969

The 1968-1969 fiscal year has seen a substantial increase in revenue from fees amounting to nearly 50%. This is the result of the new graduated fee schedule combined with a modest increase in total membership. At the same time, however, expenditures have risen at nearly the same rate as revenue. The increase in revenue was predicted in the preliminary budgetary estimates presented to Council in May 1968; the parallel increase in expenditures was not. An explanation, therefore, is in order. Almost one half ($110,000) of the annual budget expenditure goes to staff salaries and benefits. Apart from a small item for part-time clerical help included under *Sundry*, the original estimates for these expenditures remain unchanged. Provisions were made in the preliminary estimate for a fourth member of the professional staff, thereby covering the costs of salary and benefits for the Executive Secretary Designate who joined the staff on 1 January 1969.

Owing to the new format, increased circulation, and increased costs of distribution the original estimate for *Bulletin* and *Newsletter* has had to be increased from $20,000 to $23,000. *Travel* costs have had to be increased slightly, up $2,000 to a total of $25,000. The amount of travel undertaken by members of the central office staff has been somewhat reduced but travel costs for committees have been sharply increased. Included in these costs are those of the Academic Freedom and Tenure Committee, the Executive and Finance Committee and the costs of Council meetings. There has been an additional meeting of Council this year, an additional meeting of the E. & F. Committee and of the A. F. & T. Committee and several meetings of smaller groups in connection with Simon Fraser and U.N.B. The item for *Council Subsidy* has been increased to $5,000 in anticipation of a new travel subsidy formula.

Tenancy costs have had to be revised very sharply upwards to $12,900. This results from the decision to move to new and larger office quarters. The lease was due to expire on the former quarters and could only be renegotiated at an increase in rent. These quarters were too small and inconvenient in several other respects. Therefore, with the approval of the E. & F. Committee, the present quarters were leased effective the end of December 1968. Because it proved impossible to sub-let the old quarters for the remaining four months of the lease, double rent was paid for the period and this in combination with the larger rent for the new quarters accounts for the increased cost.

Because of the greatly increased amount of telephoning required to service the many demands made upon the staff and executive this year, it has been necessary to budget $6,000 for this item, double the original estimate. The increase in the item for *Supplies,* from $4,500 to $6,000 is also the result of increased work load on the central office. The move to new and larger quarters, combined with the addition of a fourth person to the professional staff, involved expenditures on office *Equipment* and furniture to a total of $5,600, compared with the original estimate of $1,000.

The item in the budget listed as *Sundry — Conferences and Fees* has undergone a sharp upward revision and now stands at $10,000, also twice the original estimate. This item, which now should be broken down into more meaningful categories, includes (among others) salaries of additional occasional part-time clerical personnel; administrative costs of the J. H. Stewart Reid Memorial Fellowship Trust — higher this year because of the need to prepare material to advertise the Fellowship, to cover the cost of meetings of the Awards Committee, and to cover the difference between what the Fund has produced in income and the amount of the award; moving expenses for the Executive Secretary Designate; cost of advertisements for the Second Associate Executive Secretary; payment of I.A.U.P.L. dues and small *ex gratia* special donation; and premiums of fire insurance, bonding, travel insurance, etc.

The amount of the "rebate" to member associations paying membership fees in provincial associations has been increased $2,500 to $22,500 because of increased membership in those local associations claiming the fees reduction. There is also an item of $2,500, part of the C.A.U.T.'s contribution to the cost of the Joint A.U.C.C.-C.A.U.B.O.-C.A.U.T. Pension Study.

The Association is likely to end the current fiscal year with a modest surplus on operations of some $8,000. While not seriously adverse in itself, it means that one of the objectives of the new fee schedule — an increase in the Reserve Fund, has yet to be accomplished.

5, v, 69. E. J. M.

STATEMENT OF C.A.U.T. INCOME AND EXPENSES

	1968-69 Budget (Revised May 69)	1969-70 Budget
INCOME		
Membership Fees	$234,000	$274,000
Interest Income	4,000	5,000
Total Income	$238,000	$279,000
EXPENSES		
Salaries (Inc. Outside Labor)	$ 85,000	$100,000
Staff Pension and Insurance	10,000	12,800
Provision-Sabbatical Leave	15,000	20,000
Bulletin & Newsl. (Net)	23,000	26,000
Travel		
National Office Staff	5,000	7,000
Committees (Inc. Council)	20,000	25,000
Council Subsidy	5,000	6,000
Office		
Tenancy	12,900	11,600
Telephone	6,000	8,000
Supplies	6,000	7,000
Equipment	5,600	4,000
Depreciation (Equipment)	1,500	1,500
Conferences, Fees, & Sundry	$ 10,000	$ 8,000
Pension Study	2,500	2,500
Asst. to Regional Groups	22,500	28,000
Defence fund replenishment	---	1,500
Total Expenses	$230,000	$268,900
Net Income	$ 8,000	$ 10,100

NOTRE DAME UNIVERSITY OF NELSON

University President

Notre Dame University of Nelson invites suggestions for candidates qualified for the post of President. The University has an enrolment of approximately five hundred and fifty which is expected to increase to eight hundred by the mid 1970s. Degree Services are offered in the following areas: Faculty of Arts and Science, Education, Medical Records, Pre Medicine, Pre Engineering and Fine Arts. Suggestions will be held confidential and should be sent to:

The Secretary, Selection Committee,
Notre Dame University of Nelson,
Nelson, British Columbia.

JAMES BRYCE MILNER
1918 - 1969

A TRIBUTE TO JAMES B. MILNER

The unexpected death on 29 May 1969 of Professor James B. Milner came as a great shock to his colleagues in the C.A.U.T. Members of the Academic Freedom and Tenure Committee, the Executive and the professional staff, with whom there were warm bonds of personal friendship, felt his loss in an especially keen way. The Executive is currently considering a suitable memorial to honour Professor Milner for the magnificent work he performed in the service of this Association and on behalf of the Canadian university community.

E. J. M.

If, as I believe, rationality and civility are the hallmarks of the university man, Jim Milner was a distinguished examplar. Contemplative and activist — and in that order — he brought to his discipline, the law, a keen and imaginative mind. He was in the front rank of Canadian legal scholars, exhibiting in the subject in which he had no peer in this country — community plannning law — an interdisciplinary approach compounded of his own competence in handling the legal and non-legal factors which that subject embraces. He was primarily a teacher, in and out of the classroom, who loved personal contact with students and colleagues and he would not have understood a dissociation between teaching and research.

He was a great teacher and a renowned scholar in the law because he saw it in social dimension to which his own wide interests testified. They included, as the members of the C.A.U.T. well know, a profound cencern for the integrity of the University as a centre of learning and for the welfare of faculty and students who alone give a University its meaning. The extraordinary demands on his time and his energy during the past four years, in his capacity as chairman of the C.A.U.'s Committee on Academic Freedom and Tenure, were met with patience, with painstaking inquiry into the facts of the many troublesome cases that confronted the Committee, with scrupulous courtesy to all interested parties, and with devotion to due process. His service to the Canadian University community did not mean denial of his talents to the problems

of his home University of Toronto. Whether as a member of the President's Council or as chairman of the planning committee of the Faculty of Law looking to its future, he worked with dedication and at a physical cost (considering his many other activities, curricular and extra-curricular) to which his colleagues in the Law Faculty, and certainly his wife Jean, can bear witness.

As a close friend for two decades and a faculty colleague for fifteen years I mourn his death at the height of his powers. His own University and Universities everywhere in Canada are the poorer for this tragedy.

The Honourable Bora Laskin,
Court of Appeal of Ontario.

Readers of the C.A.U.T. *Bulletin* need no reminder of the work of Jim Milner. His reports as Chairman of the Committee on Academic Freedom and Tenure have appeared regularly through five years, the most recent being in this issue. As Chairman of the committee that investigated Simon Fraser University, he was the principal author of its report. Through correspondence and book reviews he made still further contributions to the discussion of university affairs in Canada, in this journal.

Those were only the aspects of his contribution to university life that were most visible to C.A.U.T. members. His work as a member of his own university, as scholar, teacher, and committee member, was wide-ranging and unremitting. In the larger sphere of C.A.U.T. affairs, he gave the most thoughtful devotion to the work of the Committee on Academic Freedom and Tenure. He attended many meetings of the Executive and Finance Committee for the discussion of special problems, and of the Council. He participated in such special and difficult assignments as that at Simon Fraser University (both on the original committee and the review committee) and the more recent one involving the University of New Brunswick. He led, through a period of three years, the complicated discussions that resulted in the development of the *Policy Statement on Academic Appointments and Tenure* — the best statement of its kind in existence anywhere. In addition to all this, he gave to the individual problems of faculty members who appealed to the C.A.U.T. the most sensitive and careful consideration. No one knows how many hours a week

he spent in conversation, direct or by telephone, and correspondence, with faculty members, administrative officers, and the central office of the Association, on such problems. I once estimated that in the seven months of the academic year he and I averaged about five hours a week in telephone conversations with each other, in addition to direct interviews at his office or mine, and journeys to troubled campuses.

His close friend, F. R. Scott, once remarked that good law and good poetry are the foundation of civilization. By that criterion — as by any other — Jim Milner was that rarity, a perfectly civilized man. His idols, so he himself said, were a Professor of Law and a Professor of Poetry : Lon Fuller and F. A. Richards. To say that is to give only a most inadequate suggestion of the richness of his mind. One never became quite accustomed to the startling evidence that he might at any moment provide of the range of his interests — from the poetry of Dylan Thomas and Gerard Manly Hopkins to the music of Bach, the art of stained glass to the mathematics of Stonehenge, recent developments in psychology to the chemistry of the human body. He might have had as his motto the saying of Menander : "I am man, and nothing that belongs to man is alien to me."

Those close to him knew some other qualities : his courage, for he was well aware that his health through many years was uncertain and that the strains he allowed to be placed on him were often hazardous; his patience, for he never gave up his efforts to solve the problems of his colleagues throughout Canada or rebelled at their importunities; his humour, for despite the often unpleasant and sometimes rancorous demands that were made on him, no one had a readier laugh, nor can I forget that he and I found ourselves slowly evolving a Gilbert and Sullivan kind of opera on the subject of professional grievances.

His friendship was deep, generous, unforgettable.

Take him for all in all, I shall not look upon his like again.

J. Percy Smith.

REPORT OF THE CHAIRMAN OF THE ACADEMIC FREEDOM AND TENURE COMMITTEE*

**This is a slightly edited version of the Report presented by the late Professor J. B. Milner to the May, 1969, meeting of the C.A.U.T. Council. Ordinarily this report is presented orally and is regarded as confidential. In view of the importance of some of the contents, and the circumstance of Professor Milner's untimely death, it was decided to publish the Report.*

E. J. M.

Last year two of our most valuable members retired. Professor Harold Good, of Queen's University and Professor Larry Read of Carleton University. They had been on the Committee as far back as I can remember, which is almost ten years ago, when the Committee was established. I can say that their contribution to the Committee has been most valuable. They brought wisdom and experience. We also lost Professor Mary Brian, of Sir George Williams University. This was probably not the year to lose Mary, but as it happened, rightly or wrongly, no one at Sir George made very effective use of the Committee. We were asked for, and gave advice from time to time during the disturbance, but we really didn't get involved. I shall refer to that matter again in a moment. More recently, I regret to report, Professor Margaret Prang, of the University of British Columbia, our second female member, felt obliged to resign. Margaret's resignation left the Committee without any woman member, a deficiency in its makeup that I hope can be repaired in the selection of my own successor as member.

In place of Professors Brian, Good, Prang and Read, we gained Professor Archie Malloch of McGill University, Professor Bruce Dunlop of the University of Toronto, Professor Din Pal of the University of Victoria, and we regained Professor Ben Hijmans of the University of Manitoba, who had served a year on the Committee and then retired, last year, on a sabbatical. All four have shown real interest in the work of the Committee, and Professor Dunlop, I am happy to say, has agreed to become Chairman when I leave.

I remarked last year that Percy and I were concerned about our successors and we are very happy to be able to tell you that he has been replaced by a Professor of English from Saskatchewan and I have

been replaced by a left-handed lawyer from Toronto. In fact, Al Berland is also left-handed, and what with Al, Bruce and Bob Chambers, of Trent University, the Academic Freedom and Tenure Committee not only sounds sinister, it is sinister.

We held four two-day meetings, the first on October 5 and 6, in Montreal, the second on January 11 and 12 in Toronto, the third on March 22 and 23, in Montreal and the fourth on May 16 and 17, here in Toronto. Attendance at all meetings was good. As Chairman I had other meetings as well. As you know, I went with Professor Macpherson and Percy Smith to Simon Fraser University on October 27 to 30. That meeting was reported to the Council last November. Professor Macpherson, Al Berland and I went to U.N.B. on February 19 and 20 to confer on the Strax case. That meeting was reported to the Council last March. I also reported to you at your November meeting and was in attendance at your March special meeting. Since then Professor Macpherson, Al Berland and I have functioned as your negotiating committee with U.N.B., and I have frankly lost track of the meetings I attended. That is one of the advantages of not being chairman. I do know that I spent some part of each of four weeks in succession in Montreal, three of them at the Dorval Hilton. Finally, I must mention a meeting on January 24 in Ottawa that I attended along with the President, the Executive Secretaries (all three - real, associate and designate) and the Past President, when we confronted the Board of A.U.C.C. in an all out, no holds barred discussion of our *Policy Statement.*

May I turn next to matters arising out of my last year's report. I concluded that report, as some of you may recall, with a reference to our having asked the A.U.C.C. whether it would care to adopt our *Policy Statement.* Of course I didn't know then anything of Professor Strax or that the President of U.N.B. was to be the next President of A.U.C.C. The deflating, frustrating experience of meeting with *two* members of the Board when we had come in mid-week to suit their Board, will doubtless be reported later by the President. We were promised a statement of their objections to our *Policy Statement,* and I undertook, in good faith, to have it very seriously considered by the Academic Freedom and Tenure Committee. It is now just four months since we attended a meeting called by the A.U.C.C. and the only sign of any comment on our *Policy Statement* has been a snide remark attributed to Geoff Andrew in the *Globe and Mail.* I heartily

endorse every word of Percy Smith's letter of April 23, a copy of which I think you have all seen.

I think Percy's letter made it abundantly clear that the C.A.U.T. must call the A.U.C.C. to account. Now that the Ontario Presidents have made noises about some kind of similar organization in Ontario, (far more than C.P.U.O., which, God knows, is bad enough) and other provinces either have a provincial university or are thinking of some provincial organization, the dubious value of A.U.C.C. is even more open to examination.

Let me interrupt this gloomy report to tell you that since I reported last year we have been able to settle a dispute with a university that paid $4,500 to a former faculty member, a figure not too far off the one we recommended.

I need hardly report in any detail about the work of the Committee. It is well indicated by Percy Smith's account in the December 1968 *Bulletin*. That report, incidentally, was prepared for, and partly at the request of, the A.U.C.C. and was intended to be the basis of our discussions at our January meeting with their Board. We contributed our *Policy Statement* and our Casework Analysis, and what did we get? — But I mustn't get into that again. On the question of volume, we estimate that we have had at least 25 new cases since the December statement was written. The cases involving violation of tenure remain in the same low proportion.

The Strax affair has taken up enough of your time, so I shall not attempt to speak again of it here, but I want to report one matter and draw one lesson from that unhappy affair. The Committee agreed to pay out of the Academic Freedom Fund that you established last year, up to $1,500 towards Professor Strax's costs in the litigation with U.N.B. (They amounted to about $7,000). It did not agree to pay the whole of his costs because it was not convinced that only academic freedom was involved. We felt that Professor Strax ought to have acknowledged his suspension and referred immediately to the C.A.U.T. for help. His response instead led to the injunction. That brings me to the lesson I would draw. Had Professor Strax reacted differently to his suspension — had he accepted it and telephoned Percy Smith, or me, that day, I think it is quite possible that we could have avoided almost all of the mess. Prompt requests for help from faculty members, whether they are C.A.U.T. members or not, can usually be given prompt attention. If there is an emergency, as there would have been at U.N.B., quite possibly Percy Smith could

have gone down. In cases where an appeal for help can be undertaken locally, we might refer the faculty member to his own local A.F.T. Committee, but if there is the slightest suggestion that he is not likely to get a sympathetic response, we can usually manage someone to show up from outside. Last year I told you that Simon Fraser had cost us over $2,000. The Executive Secretary thinks that U.N.B. and Strax have cost us almost $10,000 this year ! A small investment in sending someone promptly could have saved the C.A.U.T. thousands of dollars.

The fact is that the Strax case wasn't even on our agenda for the October 5-6 meeting, although it turned out to occupy a great part of our time at that meeting. But by then it was too late. Attitudes had hardened and no effective intervention was possible. Perhaps I should draw a second lesson from the Strax affair, and, unfortunately, from several others. May I stress again the great importance of privacy and confidentiality ? Do remember that once sweet reason has failed our only weapon is the sophisticated handling of publicity. We have had other occasions as well this year where the waters have been muddied by the soliciting of student help by faculty members. If a professor makes public his dispute with the University we have little left to help him with. It may already be too late to give sweet reason a try. We know now that the varying degrees of public reporting of an investigation, condemnation, and censure, partial and complete, can have effect, sometimes very great effect, but in any case each degree may be seriously impaired if the dispute has been emotionally exposed to the press, perhaps especially so if the medium has been the student press.

The problem people frequently face, and I agree that it is a real problem, is whether to approach their local faculty association, or the C.A.U.T. I can only say, especially as I am about to leave, *do both.* Don't lose time that may be impossible to make up later. In that time irreversible steps may be taken. If possible, that is, appropriate, the C.A.U.T. will refer the matter back to the local association, but if that is undesirable, then at least we are not handicapped by a late appearance.

This problem of duplication and overloading of the C.A.U.T. Committee is one that I speak about with some feeling. I am happy to report, however, that we have decided on a restructuring of the Committee for next year, in order to relieve the work load of the chairman

and involve the other members more intimately. Professor Taschereau has agreed to be Co-chairman of an Eastern Division and Professor Hijmans Co-chairman of a Western Division. Professor Dunlop will look after the Central Division (which is just Ontario, with its fourteen universities), co-ordinate the Committee's casework and develop policy. All, of course, with the assistance of Professor Berland, who himself needs a full-time assistant for this work.

It would not be out of place to remark, here, that you can expect to see changes, and doubtless improvements in the work of the Committee in the near future. Percy Smith has, of course, been the main contributor to what success the Committee has had in the past few years, since he replaced Stewart Reid. He has, in my opinion, worked far beyond the call of duty and has enormously increased my respect for Professors of English. He has left his indelible imprint on the Committee. The Committee has, to a considerable extent, been the expression of his, my and the other members' personalities. That has been a distinctive thing. Now that Al Berland and Bruce Dunlop are replacing Percy and me, you must expect to see the effect of different personalities expressing themselves. I know that you will like what you see, but it will be different.

I don't want to leave the quite erroneous impression that Percy and I are the Committee. It is true that we do, especially Percy does, an enormous amount of work between meetings. It remains the case, however, that no serious complaint fails to get reported to the whole Committee. At a Committee meeting there is extended and frank discussion of every complaint. It by no means follows that what Percy or I may have thought appropriate will emerge as the Committee's decision. Perhaps, indeed, we have been too willing to leave matters to full discussion, but amongst us old time liberals free discussion is discarded most reluctantly.

I have wondered for some time whether, when I quit this job, I should recommend that the Constitution provide that my successor as Chairman be, ex officio, a member of the E. & F. Committee. If he did nothing else, he could at least answer questions and keep the roles of the two Committees separate. The disadvantage, of course, is that it adds seriously to the time the Chairman would have to devote to C.A.U.T. affairs.

To return to the Committee's activities, and to refer again to an aspect of the Strax affair, at our meeting of March 23 in Montreal

we had visit us Professor Grant Davy of the University of Alberta, who reviewed with us their proposals for dealing with complaints against faculty members that are not serious enough to merit resort to dismissal procedures. For some reason people have supposed that our *Policy Statement* is silent on this matter. You will recall that Professor McAllister stressed the fact that Professor Strax has been suspended, not dismissed, and that our *Policy Statement* did not deal with suspension. It does. And, we thought, quite clearly. But we were obviously mistaken, and I invite you now to consider a small amendment to make our *Statement* more obvious.

We deal with such matters in part D. *Denial of Promotion or of Increase in Salary*. Paragraph D2 provides for the case of "unreasonable discrimination", which gives rise to a right to have the claim arbitrated. Dismissal procedures are to be followed except that the arbitration committee may be composed of professors within the University.

The basis of this provision is that discipline in a university is, in the first instance, a managerial responsibility. It is not necessary to settle everything of a dismissal or disciplinary character by instant resort to arbitration. Action may be initiated unilaterally by the administration. The faculty member approached, however, should always have the *right* to arbitration if he challenges the appropriateness of the disciplinary action.

Many people seem to have the idea that the C.A.U.T. disapproves of unilateral action of this sort. Far from disapproving of it, the C.A.U.T. urges administrators to get on with their job. If an administrator has occasion to discipline a faculty member — let him do it, not dodge the responsibility. But let him do it intelligently. Not broadcast it. Act quietly, privately, and make sure he has a reasonable grasp of the facts. And let him assure the faculty member of his right to arbitrate if he wants to contest the matter. If it seems desirable, let him invite the faculty member to bring a colleague with him. But I needn't go into all this. It appears in part C of our *Policy Statement* in detail.

What needs amendment, I think, is the title to part D of the *Statement*, which is too limited. May I suggest that the words "Denial of Promotion or of Increase in Salary" be changed to "Discriminatory Treatment or Harrassment". The first words will sufficiently, I think, embrace a claim of denial of promotion or of increase in salary, and

the last word draws the reader's attention to the wide variety of matters dealt with in paragraph D2. Since I shall not be present at the next meeting of the Committee, I have asked the Executive Secretary to propose a recommendation from the Committee to the November meeting.

Our *Policy Statement* does not, I repeat, make arbitration a beginning step. It is a last resort. But the right must nevertheless be recognized from the start. Arbitration is provided where past conduct is to be established as a matter of fact, and an alleged wrong, revealed in that conduct, is to be remedied. Such cases are wrongful dismissal, or a charge of improper administrative conduct contested by the faculty member. But our *Policy Statement* does not recommend arbitration in cases of non-renewals. Unless a faculty member is on probation, a non-renewal gives rise to no right. For this reason we urge the infrequent use of short term appointments, in paragraph B1. We much prefer a probationary appointment, even if it is broken up into shorter appointments, say three of two years each. But it is to be clearly understood that a non-renewal of a short term in a longer probationary appointment is a refusal of tenure, and we do recommend, not arbitration, but consideration by a properly constituted tenure committee, with a right in the candidate to meet the committee and discuss the reasons, which should have been presented in writing to the candidate.

One does not usually "arbitrate" the making of a contract. A contract plans future events. Arbitration is appropriate to look into recent history and try to right a wrong. The constructive arrangement of future relationships is best left to managerial processes. Our *Policy Statement* is intended to ensure that the managerial decision is made with full knowledge of the facts.

I mentioned a moment ago that our *Policy Statement* prefers probationary appointments and urges infrequent use of short term appointments. We really do not recognize anything between the undesirable short term appointment and the probationary appointment. When, as in some universities, a young professor is appointed for two years, then renewed for two years and again for two more, and then is considered for tenure, our *Policy Statement* considers all three appointments to be probationary. In our view, the young candidate should be told at the start that he is on probation. That is the consequence of our disapproval of short term appointments. It follows, however, that a non-renewal at any stage of the probationary period is a denial of tenure and entitles a candidate to certain procedural protections.

All that has happened is that an administrator, or more properly, a tenure committee, has decided, after two, or four years, that the candidate ought not to be permanently appointed. I stress this matter because only a week ago head office staff divided in their view of the common understanding of our *Policy Statement* in this respect.

Not only shall I recommend this clarification as well, for your consideration next November, but I shall also recommend clarification of paragraph B3, which states the time for notification of renewal or non-renewal. At present the approved date is February 1 in the case of a one-year appointment, and November 1 if the contract is for more than a year. But if the one year contract is for a second or later year of service, the November date should clearly apply. February 1 is permitted only because the university may need a longer time to get to know a candidate during his *first* year on the staff.

I may conclude with a reference to two types of cases that have rather interesting implications. The first type, of which we had two, involved administrators. In the first case, the local faculty association was seeking to have the president dismiss the head of a division of the university. When I tell you that the physician of one of the victims (since deceased) of the administrator described the conduct as "mental murder" you may sense something of the emotional atmosphere surrounding the affair. We have, of course, advised presidents on a number of occasions, such as the Sir George Williams and the McGill cases. We did not hesitate to advise in this case either. What will happen I don't know, but the fact is that it is now some months since we recommended a proper dismissal procedure and the president seems still to be dragging his feet — a fairly common, if undignified position for presidents, it seems to me. If this case doesn't blow up in our faces, we'll be very lucky. Again I say, C.A.U.T. urges administrators to get on with their job — but do it properly. I don't think that the C.A.U.T. intends that academic administrators be administrative eunuchs — but I don't mean that they should produce more administrators either !

The second case involved the take-over of a department by the dean, who simply pushed the head out, with little or no ceremony. Of course C.A.U.T. does not recommend tenure in administrative posts, but in fact every administrator has some kind of "tenure", even if it is only for a year at a time. We felt it was questionable administrative practice for a dean, who just happened to be from the department's

discipline, to ease out a head without establishing cause, if he is challenged, as he was, by the head. We have not been asked to do anything specific about this case yet, and we may not have to. I mention this one as an example of our ombudsman function. The first case, incidentally, arose as an academic freedom problem involving a former faculty member, but soon appeared as an administrative fiasco.

The second type of case again raises administrative problems, perhaps involving academic freedom, but quite possibly not. We had three, perhaps four, of these this year. The starting point in each case is a letter of resignation. Perhaps academics write letters of resignation for some deep dark Freudian reason that I don't understand, but I wish they didn't. And I wish that universities had clear-cut procedures for dealing with them, if they stubbornly persist.

The first case was rather nasty. The tenured professor who resigned sent his letter to the head of the department, who sent it to personnel, where it seems to have stayed. The seamy bit is that the professor was an alcoholic and the resignation may have been exacted, rather than volunteered. We still are uncertain what proper effect the resignation had, and whether it should have involved a reply from either the head of the department, the dean, or the president, before it was beyond recall.

The second case involved a professor on a short term appointment, who wrote to his department head on December 17, 1967, saying, "I can assure you that I have no intention of staying here after July 1969". Such a statement probably should not be regarded as final in these circumstances, since between December 1967 and the time for 1969-70 appointments, many changes might occur that would change the professor's intention. In these circumstances, probably the university should take care that the professor fully understands that he is being offered a terminal appointment for 1968-69 if such is the case. The informal declaration should be regarded as a stage of negotiation, not a final step. We have hopes that this affair will be satisfactorily settled.

The third case involved a professor with a two-year appointment terminating December 31, 1969, who wrote to the head of his department on November 28, 1968, a Thursday. He said, "I am submitting my resignation". After giving some reasons he said, "I shall remain on the campus, unless otherwise requested, until the expiry of my contract." On Monday, December 2, the head replied, "I must accept

this resignation . . . I am informing the Dean of your resignation as of November 29 (the day he received the letter of the 28th) and that the position you have occupied is now vacant."

The professor regretted his precipitate resignation, if that is what it was, and now claims that the head showed indecent haste in accepting it. Not every "resignation" needs to be accepted. If the professor resigning gives adequate notice, there is nothing to "accept". But if he is, in effect, asking to be relieved of his duties before the expiry of his contract, then it takes agreement of his employer to this alteration of the contract. Otherwise, the professor would be breaking his agreement. In this instance the professor said he would stay until the expiry of his contract, which meant no resignation in fact, but he also offered to leave sooner if requested, which did require "acceptance", and he got it.

It is not impossible that the university in question will have to take steps to remove the professor, who despite this correspondence, has not left the campus, and has, indeed, withdrawn his resignation and so notified the Board. But the Board takes the view, supported by its lawyer, that "chairmen and department heads have always had the authority to accept resignations." That is the crux of the case. If that view is right, and we know of no rule or precedent at the university either to confirm or deny it, then the professor is well and truly resigned, or "terminated" as one complainant has called it.

These three cases point up the need for a clearer understanding of the procedures necessary for a peaceful termination of an appointment at the request of the faculty member. While we must not be too literal in reading "resignations", we must expect our colleagues to act responsibly, and stand by their actions. If a resignation is extorted from an alcoholic, that is one thing, but if a professor in full control of his emotions (is anyone ?) writes a letter of resignation, that is another. Whether the resignation should take effect once the head of a department has accepted it, thus making withdrawal impossible, may be debated. Perhaps the professor, despite his claim to high intelligence, should be given a *locus pœnitentiæ,* an opportunity to back away, in the interval during which the head of the department passes the resignation on to the president, or even to the Board. I leave this nice question to Professor Dunlop and my erstwhile colleagues on the Academic Freedom and Tenure Committee. My blessings on them.

James B. Milner.

THE STRAX CASE

The C.A.U.T. officially lifted its censure of the President and Board of Governors of the University of New Brunswick on 18 July. This action was taken in accordance with the directives of the C.A.U.T. Council at its May meeting and followed the University's renewal on that date of its application to have the permanent injunction against Professor Strax vacated or dissolved. In making this application to the court the University presented a new, and more substantial, argument in support of its application. In receiving the renewed application, Mr. Justice Barry set 18 August as the date for the hearing.

On 25 August Mr. Justice Barry of the Supreme Court of New Brunswick, on petition from the University of New Brunswick, agreed to vary the injunction against Professor Norman Strax by deleting paragraph (1), that "restraining the defendant (Strax) from returning to or entering upon any part of the said lands and premises of the plaintiff (U.N.B.)." Although the other sections of the injunction remain, the effect of this decision is to end the prohibition against Strax entering the campus of the University, the major handicap of the injunction and one with which the C.A.U.T. has been much concerned.

On the preceding Monday, 18 August, the University had petitioned the court to vacate the injunction entirely. Although Judge Barry agreed then that he had jurisdiction to grant such a petition, something he had ruled against in the earlier (May) hearing, he ruled that he was unprepared to grant this petition on the basis of the evidence presented him. The proposal that the injunction be varied so as to provide Professor Strax with access to the University campus was made by Strax himself at the hearing on 18 August and subsequently presented as a formal petition by the University on the following Monday (25 August).

In view of Mr. Barry's clear statement of his unwillingness to vacate the injunction entirely, advice from our solicitor that the proposed compromise was all that it was reasonable to expect in the present circumstances, and Professor Strax' expressed wish that this portion of the injunction be lifted, the C.A.U.T. negotiating team agreed informally that the presentation of such a petition to the court would constitute fulfillment of the University's obligation under the 1 May agreement between U.N.B. and the C.A.U.T. that the University make application to dissolve or vacate the injunction in U.N.B. v. Strax. The formal presentation of the petition to vary the injunction and the granting of it by

the court, therefore, is considered by the C.A.U.T. to constitute discharge by U.N.B. of its full responsibility in this matter.

With respect to the arbitration the news is not so good. This Association has now been notified by the University of its decision to terminate the arbitration by reason of non-fulfillment of the terms of the agreement by Professor Strax. According to these terms, included in the 1 May agreement between U.N.B. and the C.A.U.T., a period of three months was specified as the time within which the arbitration would be completed, subject to mutual agreement by the University and Strax to extend the period. The arbitration board was established on 13 May but to date no hearings have been held owing to several factors, among them the non-appearance of Professor Strax and his nominee to the arbitration committee. The three-month period ended on 13 August and the University declined a request by Professor Strax, made on 12 August, for an extension. Although the C.A.U.T. regrets very much this decision by U.N.B. and undertook efforts to persuade the University to reconsider, the negotiating team of the Association judged that the University has made serious and sustained efforts to comply with the terms of the arbitration agreement and has fulfilled its obligation in this respect as well.

The University of New Brunswick has also decided to forego collection of costs and damages awarded them by the court and has so informed Professor Strax.

The Executive Secretary has informed the Acting President of the University of New Brunswick that, as a result of its actions, the C.A.U.T. considers that the University has fully discharged its undertakings under the agreement of 1 May 1969 with this Association. At its September meeting the Executive and Finance Committee passed a resolution endorsing this judgment.

A more detailed account of these events will be prepared for publication in a later issue of the *Bulletin*.

E. J. M.

"CANADIANIZATION" AND THE UNIVERSITY *

** The following is the text of an Association Position Paper adopted by the Executive and Finance Committee of the C.A.U.T. at a meeting on June 27, 1969. Comments of members and other interested persons on this Paper are invited.*

One function among the many legitimately assigned to a university is to develop an awareness of and an understanding of the society in which we live. This society of course has local and national as well as international aspects, all of which require attention. The university thus has an important role to play in the development of community and national identities. If we assume that university faculty play an important or even dominant role in the learning process, then we can properly expect that faculty members at Canadian universities be familiar with the Canadian situation and further be committed to the development and enrichment of the Canadian community, or engage themselves to acquire this familiarity and commitment. Canadian birth or citizenship is some evidence of such knowledge and concern, although not a necessary prerequisite to it. Other functions of the university require qualifications of expert knowledge in a discipline, concern for and ability to communicate with students, and, for senior positions, appropriate experience in university work.

The principal criterion to be used in engaging a professor must continue to be his *competence* in the broad sense of his capacity to carry out the functions for which he was engaged. Competence thus includes not only his promise and ability as teacher and scholar, but also those qualities which affect his performance within the Canadian university community. In areas where a familiarity with things Canadian is important, as for example in Canadian history or government or literature, then competence requires that knowledge. Such knowledge is not confined to Canadian citizens, although it may require residence and study in Canada. From this viewpoint, the Chairman of a department (of history, for instance, or French, English, etc.) who is unsympathetic or indifferent to the development of Canadian studies is clearly incompetent regardless of his academic qualifications, his citizenship, or national origin.

The Canadian Association of University Teachers believes that competence, in the sense referred to above, should be the sole criterion for appointment. Consequently, C.A.U.T. is opposed to any system of quotas or formal regulations which would require that some fixed proportion of faculty or of new appointees be Canadian citizens, or which would reduce or restrict the status or rights of non-Canadian faculty

members. The potential damage to individuals and to institutions of any enforceable quota regulations far outweighs any possible benefits. Further, in certain areas the lack of qualified Canadians, regardless of their desirability, makes a citizenship requirement impossible to meet. For example, until very recently anthropology and sociology were virtually ignored in Canadian universities and negligible numbers of graduate degrees were granted in these areas.

The C.A.U.T. is also opposed to invoking the authority of governments and legislatures to enforce or encourage rules concerning appointments or methods of appointments within universities.

At the same time, the C.A.U.T. is concerned with the related problem of finding positions for the graduates of Canadian universities. At present, some appointments are made on the basis of personal contacts, which in many cases may operate on international, rather than on east-west trans-Canada lines. In keeping with our recent resolution urging publication in appropriate journals of all vacancies for teaching and administrative positions, we have urged upon various groups such as the university presidents and graduate deans (through A.U.C.C.) and the various Learned Societies that by means of advertisements in *University Affairs* and by other formal and informal employment services, including Departments of Manpower or Labour, they make known to Canadian students and faculty the openings available at Canadian universities. We are confident that Canadians, given the opportunity to apply, can compete successfully with applicants from anywhere in the world.

The C.A.U.T. further urges that academic, professional, and government agencies co-operate in the preparation, publication and annual revision of five- to ten-year projections of positions available and of graduate degrees granted in each academic discipline at Canadian universities. This will allow individual students a better opportunity to plan future careers, and universities a better opportunity to encourage Canadian talents in areas of projected needs through the development of adequate graduate programmes in such areas.

The C.A.U.T. is always prepared to investigate any allegations of anti-Canadian discrimination in appointments, and to endeavour to correct improper or unsatisfactory practices.

The Executive and Finance Committee,
Canadian Association of University Teachers.

June 27, 1969.

« CANADIANISATION » et L'UNIVERSITÉ *

L'*une* des fonctions de l'université, au nombre de plusieurs qui fondent sa raison d'être, consiste à développer une conscience et une compréhension de la société dans laquelle elle prend racine. Cette société se compose d'éléments d'une communauté locale auxquels s'adjoignent ceux d'une communauté plus vaste, qui même dépasse les seules frontières d'un pays. Ce rôle particulier de l'université vise l'épanouissement d'identités communautaires et culturelles. Dans l'hypothèse où les professeurs jouent un rôle important et même déterminant dans le processus d'apprentissage des connaissances, ils doivent à la fois connaître la situation canadienne, contribuer au développement et à l'enrichissement de cette société ou chercher à se familiariser avec les éléments du contexte canadien et s'engager à participer à son progrès. Le Canada comme pays de naissance, la citoyenneté canadienne ne fondent pas des évidences certaines pour justifier une connaissance et un intérêt dans l'évolution de cette société. De plus, d'autres fonctions de l'université ne peuvent s'exercer sans la connaissance approfondie d'une discipline, sans l'intérêt et la compétence à communiquer cette formation aux étudiants; également au niveau des fonctions supérieures à l'université, faut-il considérer une expérience appropriée acquise au sein même de la vie universitaire.

Dans la nomination d'un professeur, le premier critère de sélection a trait à la *compétence* du candidat au sens large de capacité de remplir les obligations de la fonction décrite dans son engagement. Ainsi, l'interprétation du critère compétence déborde le sens d'engagement et de capacité du candidat à s'appliquer comme professeur et universitaire; il comporte aussi celui de posséder les qualités nécessaires à s'acquitter de ses responsabilités au sein de la communauté universitaire du Canada. Dans certains domaines où la connaissance de la réalité canadienne est essentielle, par exemple en histoire du Canada, en institutions gouvernementales ou en littérature, la compétence d'un candidat comporte cette dimension. La connaissance de certaines réalités canadiennes ne se limite pas aux seuls citoyens du Canada, quoique le Canada, comme pays de résidence et d'études, peut constituer le moyen d'apprentissage de ces connaissances. Ainsi, le directeur d'un département (par exemple d'histoire, de littérature française ou de littérature anglaise, etc.) qui ne manifeste aucune sympathie ou aucun intérêt dans l'établissement de programmes d'études canadiennes démontre une incompétence certaine

* Cet énoncé adopté par les membres du bureau de direction de l'A.C.P.U., lors de la réunion du 27 juin 1969, constitue la position du bureau en cette matière. Nous apprécierions recevoir les commentaires de nos membres et de nos lecteurs. Veuillez les adresser au directeur du *Bulletin*.

en dépit de qualités universitaires réelles, de sa citoyenneté ou de son origine ethnique.

L'Association canadienne des professeurs d'université est d'avis que le terme compétence, au sens large susmentionné doit être le seul critère retenu lors d'une nomination. En conséquence, l'A.C.P.U. refuse de souscrire à tout principe qui équivaudrait à la détermination de régimes de quota, à toute règle qui limiterait la flexibilité dans l'engagement de nouveaux professeurs en déterminant le nombre de professeurs des universités ou le nombre de nouveaux professeurs qui devraient être citoyens canadiens, ou à tout genre d'artifice qui limiterait et restreindrait le statut et les droits des professeurs des universités du Canada qui sont d'origine étrangère ou qui ne sont pas citoyens canadiens. En outre, vu le manque de Canadiens qualifiés dans certaines disciplines particulières, il est sans aucun doute désirable que le Canada possède des spécialistes de ces disciplines, l'argument, selon lequel la citoyenneté canadienne doit servir de critère de sélection du candidat, devient une absurdité. L'exemple, jusqu'à très récemment, du nombre négligeable de grades universitaires de deuxième et de troisième cycles décernés par les universités du Canada en sociologie et en anthropologie, par exemple, confirme la futilité de l'argument qui voudrait considérer l'élément citoyenneté canadienne au nombre des critères de sélection des candidats.

L'A.C.P.U. s'oppose également au principe qui donnerait aux gouvernements ou à toute assemblée législative le droit de mettre en vigueur ou d'encourager l'établissement d'une réglementation sur le mode et les méthodes de procéder à la nomination du personnel enseignant des universités.

L'A.C.P.U. s'intéresse également à un problème connexe qui consiste à trouver un emploi adéquat aux étudiants gradués des universités du Canada. Pour l'instant, quelques nominations dans les universités s'effectuent par le truchement de contacts personnels, en certaines occasions, la recherche de candidats s'exerce à l'échelle internationale plutôt que de se confiner d'abord au réservoir canadien d'un océan à l'autre. Pour que tout professeur et tout étudiant du Canada puissent connaître le besoin en personnel des universités nous réitérons le message d'une résolution du conseil de cette Association qui insiste pour que tous les postes vacants d'enseignement et d'administration des universités soient publiés dans les organes appropriés, résolution dans laquelle nous demandons aux recteurs d'université, aux doyens (par l'intermédiaire de l'Association des Universités et Collèges du Canada), aux sociétés savantes d'utiliser comme organe de publication des postes vacants le supplément

d'*Affaires universitaires* et tout autre institution formelle ou informelle de placement, incluant les ministères de la main-d'œuvre et du travail. Nous sommes confiants que si les Canadiens peuvent soumettre leur candidature à ces postes, ils pourront livrer une compétition sérieuse à des candidats d'outre-frontière.

L'A.C.P.U. en outre incite les organismes universitaires, professionnels et gouvernementaux à collaborer dans la préparation, la publication et la revision annuelle de projections quinquennales et décennales, selon la discipline, sur les nouveaux postes et le renouvellement de la main-d'œuvre, sur le nombre de grades supérieurs décernés par les universités du Canada. De telles projections fourniraient des indications aux étudiants qui doivent décider de leur carrière, aux universités qui, par ce moyen connaîtraient les besoins du marché, pourraient par le développement de programmes d'études adéquats dans ces domaines, diriger les Canadiens de talent vers ces centres d'études.

L'A.C.P.U., comme toujours dans le passé, sera disposée à faire enquête sur tout différend où serait intervenu l'exercice d'une discrimination dans l'emploi à l'égard de Canadiens; de même, cette Association s'efforcera de rectifier les situations où la pratique de nomination et d'engagement s'avérerait impropre ou douteuse.

le bureau de direction
Association canadienne des professeurs d'université

30 juin 1969

A COMPARISON OF MEN'S AND WOMEN'S EMPLOYMENT FRINGE BENEFITS IN THE ACADEMIC PROFESSION: PENSION PLANS AND LIFE AND LONG-TERM DISABILITY INSURANCE PLANS, 1965-1966 AND 1968-1969 *

1. The Data

The statistical data for the academic years 1965-1966 and 1968-1969 were gathered by means of questionnaires circulated by the Canadian Association of University Teachers; the results of both surveys were published in the *C.A.U.T. Bulletin* of April [1] and October [2] 1966, and April [3] 1969. In the course of the analysis, we shall also use unpublished findings of the 1965-1966 study. The 1965-1966 survey involved 30 institutions of higher learning; that of 1968-1969 furnished information on 42 institutions. [4]

2. Procedures

We shall examine the employment fringe benefits the provisions of which do not apply to all professors equally, regardless of sex, and those whose value is a function of salary, with reference to these areas:

A. Pension Plans

B. Life Insurance

C. Long-term Disability Insurance

The factor to be kept in mind throughout and the factor used in our calculations is that, as the first section of this report makes clear,

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* This report was originally submitted to the Royal Commission on the Status of Women along with the study comparing *Men's and Women's Salaries in the Academic Profession.* It has been revised to include more recent information obtained in the Survey of Fringe Benefits made last year. The Study on Salaries was published in the *Bulletin,* 17, 3, February, 1969, 50 - 75; that on Fringe Benefits in the *Bulletin,* 17, 4, April, 1969, 65 - 140.

1 Lapointe, Mireille, Rapport partiel et préliminaire sur les régimes de caisse de retraite des universités au Canada, *C.A.U.T. Bulletin,* Vol. 14, No. 4, April 1966, pp. 64-71

2 Lapointe, Mireille, Sommaire de l'étude des avantages sociaux offerts aux professeurs dans les universités du Canada : 1965-1966, *C.A.U.T. Bulletin,* Vol. 15, No. 1, October 1966, pp. 66-84

3 Lapointe, Mireille, Etudes des avantages sociaux, 1968-1969, *C.A.U.T. Bulletin,* Vol 17, No. 4, April 1969, pp. 65-140

4 *Institutions included in 1965-1966 survey :* Acadia, Alberta, Bishop's Brandon, British Columbia, Dalhousie, Guelph, Lakehead, Laurentian, Laval, Manitoba, McGill, McMaster, Mount Allison, New Brunswick, Ottawa, Queen's, Royal Military College, St. Francis Xavier, St. John's, Saskatchewan, Sherbrooke, Sir George Williams, Toronto, United (Winnipeg), Waterloo, Waterloo Lutheran, Western, Windsor, York.
Institutions included in the 1968-1969 survey : Acadia, Alberta, Bishop's, Brandon, British Columbia, Brock, Calgary, Carleton, Dalhousie, Guelph, Lakehead, Laurentian, Laval, Lethbridge, Loyola, Manitoba, McGill, McMaster, Memorial, Moncton, Montréal, Mount Allison, New Brunswick, Notre Dame of Nelson, Nova Scotia Technical College, Ottawa, Queen's, Royal Military College, St. Dunstan's, St. John's (integrated with Manitoba), St. Francis Xavier, St. Mary's, St. Paul's (integrated with Manitoba), Sherbrooke, Simon Fraser, Sir George Williams, Trent, Victoria, Waterloo, Waterloo Lutheran, Western, Windsor, Winnipeg (formerly United), York

female professors receive an average salary which is $ 2 262 less than that of men. A little more than half of this difference, $ 1 199, results directly from the sex of the professor. In estimating the significance of the differential in compensation due to sex in relation to fringe benefits plans, only the $ 1 199 differential directly attributable to the sex of the faculty member is taken into account.

3. Findings

A. PENSION PLANS

The various Pension Plans in Canadian universities are the same, whether they involve male or female professors. In our analysis, we are concerned with three factors which account for differences in the application of these various types of plans : salary, retirement age, contributions as a percentage of salary. Factors related to differences in types of pension plans are taken into account separately: i) Money Purchase Pension Plan; ii) Fixed Formula Pension Plan.

i) Money Purchase Pension Plan

Retirement benefits from a money purchase pension plan which is fully documented in the *C.A.U.T. Bulletin*,[5] take the form of a life annuity comprised of the accumulation of invested contributions (made by the professor and by the institution) and earnings from the investment. The professor's contributions, as a percentage of salary, range from 5 to 10 per cent.

Table VIII estimates the additional amounts, monthly and annual, which would be paid into the money purchase pension plan of a female if there were no sex salary differential :

TABLE VIII — Estimates of the additional monthly and annual amount that would be paid into a money purchase pension plan if there were no sex salary differential

salary differential	contributions as percentage of salary				total contributions	
	professor's		university		annual	monthly
$	%	$	%	$	$	$
1 199	5.0	59.95	5.0	59.95	119.90	9.99
1 199	7.0	83.93	10.0	119.90	203.83	16.99

5 *C.A.U.T. Bulletin* : Vol. 14, No. 4, April 1966, pp. 70-71; Vol. 15, No. 1, October 1966, p. 67; Vol. 17, No. 4, April 1969, pp. 89-93

Thus, between about $ 120 and $ 204 less per year is invested in the pension plans of female professors.

Table IX estimates the annual retirement benefits of a money purchase pension plan with monthly contributions based on an annual salary of $ 1 199, and estimates also the additional annual benefits of a woman's additional contribution if the difference between average salaries according to sex were to be overcome at age 35, 40, 45 or 50. The estimates are based on the figures in Table X. [6]

TABLE IX — Based on retirement age, estimates of the value of annual benefits from a money purchase pension plan, monthly contributions which are based on an annual salary of $ 1 199

age when first monthly premium was paid to pension plan	pension benefits on retirement age			
	retirement age : 65		retirement age : 68	
	monthly premium		monthly premium	
	$ 9.99	$ 16.99	$ 9.99	$ 16.99
	$	$	$	$
age 30	884	1 504	1 128	1 918
age 35	656	1 116	845	1 437
age 40	476	809	622	1 058
age 45	332	564	445	756
age 50	218	370	305	518

It is obvious that if that additional monthly amount was paid annually beginning at age 30 (which means that there was no salary differential by sex), on retirement a female professor would have additional pension benefits ranging from $ 884 and $ 1 504 (if she retires at age 65) and from $ 1 128 and $ 1 918 (if she retires at age 68).

Table X estimates the annual retirement income purchased by pension contributions of $ 10 per month and invested only in fixed value bonds. This table, effective March 1, 1969, is published by Teachers' Insurance and Annuity Association — College Retirement Equity Fund (TIAA-CREF).

It is clear that the cost of a life annuity, with the annual benefits the same for men and women, is higher for women, because they have

6 Table from Teachers Insurance and Annuity Association of America (TIAA), annuity rates effective March 1, 1969, Teachers Insurance and Annuity Association-College Retirement Equity Fund (TIAA-CREF), New York, 1969

TABLE X — Yearly Single Life Annuity Purchased by Future Premiums of $10 Monthly Continued from Age in Center Column to Retirement at Ages Shown in Other Columns [6]

MALE Annuity Each Year First Payment at Age					Age When Premium is Paid	FEMALE Annuity Each Year First Payment at Age				
60	62	65	68	70		60	62	65	68	70
$	$	$	$	$		$	$	$	$	$
903	1 057	1 345	1 723	2 043	25	804	934	1 174	1 485	1 745
852	999	1 273	1 633	1 937	26	758	882	1 110	1 407	1 654
804	943	1 203	1 546	1 836	27	715	833	1 050	1 332	1 568
757	890	1 138	1 464	1 740	28	674	786	993	1 261	1 486
713	839	1 075	1 385	1 648	29	634	741	938	1 193	1 407
670	790	1 015	1 310	1 560	30	596	698	885	1 129	1 332
630	744	957	1 238	1 476	31	560	657	835	1 067	1 261
591	700	903	1 170	1 396	32	526	618	788	1 008	1 192
554	657	850	1 104	1 319	33	493	581	742	952	1 127
519	617	800	1 042	1 246	34	462	545	698	898	1 065
485	579	753	982	1 177	35	432	511	657	846	1 005
453	542	707	926	1 110	36	403	478	617	797	948
423	507	664	871	1 047	37	376	447	579	751	894
393	473	623	819	986	38	350	418	543	706	842
365	441	583	770	928	39	325	390	509	663	793
339	411	545	723	873	40	301	363	476	623	746
313	382	509	678	820	41	279	337	444	584	701
289	354	475	635	770	42	257	312	414	547	658
266	327	442	593	722	43	237	289	386	511	617
244	302	411	554	676	44	217	267	358	478	578
223	278	381	517	632	45	198	245	332	445	540
202	254	352	481	591	46	180	225	307	414	504
183	232	325	447	551	47	163	205	283	385	470
165	211	299	414	513	48	147	187	261	357	438
147	191	274	383	476	49	131	169	239	330	407
130	172	250	354	442	50	116	152	218	305	377
114	154	227	325	408	51	102	136	198	280	349
99	136	206	298	377	52	88	120	180	257	322
85	120	185	272	347	53	75	106	162	235	296
71	104	165	248	318	54	63	91	144	213	271
57	88	147	224	290	55	51	78	128	193	248
45	74	129	202	264	56	40	65	112	174	225
33	60	112	180	239	57	29	53	97	155	204
21	47	95	160	215	58	19	41	83	137	183
10	34	79	140	192	59	9	30	69	121	164
	22	65	121	170	60		19	56	105	145
	11	50	104	149	61		9	44	89	127
		37	87	129	62			32	75	110
		24	70	110	63			21	61	94
		11	55	92	64			10	47	79
			40	75	65				34	64
			26	58	66				22	50
			12	43	67				11	36
				28	68					24
				13	69					11

Rate Basis : TIAA annuity rates effective March 1, 1969 including dividends based on the dividend scale effective January 1, 1969. Dividends, of course, are not guaranteed for the future.

a longer life expectancy. For each dollar of the monthly contributions to the retirement fund, a woman draws only between 85 to 90 per cent

6 Table from Teachers Insurance and Annuity Association of America (TIAA), annuity rates effective March 1, 1969, Teachers Insurance and Annuity Association-College Retirement Equity Fund (TIAA-CREF), New York, 1969

of the annual pension benefits which would accrue to a man (estimate based on Table X). Thus, to ensure an income on retirement equal to a man's, a woman must either increase her premium payments, or delay her retirement. If she should decide to invest additional amounts, the burden of her premiums will increase still more since she must also compensate for the amount she loses in individual and university contributions because her salary is less than a male professor's. If she chooses to delay her retirement, she must put it off by sufficient years to counteract the higher cost of the life annuity, and the salary differential (loss of contributions from both the professor and the university).

ii) Fixed Formula Pension Plan

The annual income from a fixed formula pension plan, documented in the *C.A.U.T. Bulletin,* [7] corresponds to the product of three factors: 1) a factor generally expressed as a percentage of an average salary; [8] 2) the number of years of membership in the plan; 3) the average salary calculated over a specific period of time. [8]

In this plan, unlike the money purchase pension plan, pension benefits from the same investment by the professor is equal regardless of sex. But the female professor is in a less favoured position because, her salary being lower than that of a man, less money is contributed to the pension plan.

Table XI indicates the additional retirement benefits which would be paid to a female professor if she received a salary equal to that of her male counterpart.

Thus, depending on the percentage factor, the female professor receives between $ 629 and $ 839 less annually than her male counterpart. The female professor can balance this difference by making additional contributions, or by delaying her retirement. At several universities, however, the female professor cannot put off her retirement because compulsory retirement ages are set, as Table XII indicates. Moreover, at some universities female professors must retire earlier than male professors.

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7 *C.A.U.T. Bulletin:* Vol. 14, No. 4, April 1966, pp. 66-69; Vol. 15, No. 1, October 1966, pp. 68-69; Vol. 17, No. 4, April 1969, pp. 77-88

8 Salary of participant is calculated within the period defined by each particular plan: e.g., average salary during years of contribution, average salary during the last x years of contribution, average salary during the last y consecutive years of contribution, average salary during the z best years of contribution, etc.

TABLE XI — Estimates of supplementary pension benefits to be granted a female faculty member if she were to receive a salary equal to that of a male

pension formula	number of years of membership in the pension plan			average salary differential	pension benefits
	age of retirement	age when entering the plan	number of years		
%			no.	$	$
1.5	(65	— 30)	35	1 199	629
2.0	(65	— 30)	35	1 199	839

TABLE XII — Normal retirement age and compulsory retirement age by sex in 1965-1966 and 1968-1969

university	normal retirement age		compulsory retirement age	
	male	female	male	female
Bishop's				
1965-1966	67	60	70	65
1968-1969	67	60	70	67
Laval				
1965-1966	67	65	67	65
1968-1969	—	—	67	65
Nova Scotia Technical College				
1965-1966	—	—	—	—
1968-1969	—	—	65	60
St. Dunstan's				
1965-1966	—	—	—	—
1968-1969	65	60	—	—
Waterloo				
1965-1966	68	65	—	—
1968-1969	65	65	65	65

B. LIFE INSURANCE

All the universities for which we have information,[9] with the exception of Bishop's, British Columbia, Mount Allison, Ottawa and St. Francis Xavier in 1965-1966, Alberta, British Columbia, Memorial,

9 *C.A.U.T. Bulletin :* Vol. 15, No. 1, October 1966, pp. 70-72; Vol. 17, No. 4, April 1969, pp. 94-99; also non published information from the 1965-1966 survey

Mount Allison, Notre Dame of Nelson, St. Francis Xavier, Victoria in 1968-1969, offer their male professors a life insurance plan with a face value based on salary. This provision, however, does not apply uniformly to female professors: in 1965-1966, at the University of New Brunswick, female professors may choose between a face value based on salary, or a set face value of $ 2 000.

Furthermore, at a number of universities in 1965-1966 (Acadia, Bishop's, Lakehead, Manitoba, New Brunswick, Ottawa, Sherbrooke, Winnipeg (United), Waterloo, Western, Windsor and York) and in 1968-1969 (Bishop's, Brock, Lethbridge, Loyola, New Brunswick, Notre Dame of Nelson, Sherbrooke, Trent, Waterloo, Western), the face value as a percentage of salary, or the maximum face value is less for female professors.

The 1968-1969 survey indicates that the situation has been rectified in six of these universities, Acadia, Lakehead, Manitoba, Ottawa, Winnipeg, Windsor, York. At Sherbrooke and Western, the changes in the life insurance plan, which occurred between 1965-1966 and 1968-1969, did not alter the principle of different face value by sex.

Since the salary level, together with age, generally determines the face value of the life insurance policy, uniform plans for male and female professors give in fact less coverage to the female professor because the average salary differential between male and female is $ 1 199.

A life insurance plan obviously provides protection to survivors in case of death, but life insurance must also be considered as related to the pension plan. On this matter, therefore, we quote two excerpts from a report of a Commission of Study which indirectly advocates that life insurance plans should be uniform both in provisions and application, regardless of sex :

> "Death benefits within a retirement plan need supplementation by group life insurance, preferably decreasing term-insurance. The increase of these provisions within the system may partly be offset by a less costly insurance plan." [10]

> "The dovetailing of a decreasing term (life) insurance with the increasing savings in a retirement plan, especially if these include

10 Ingraham, Mark H., *Faculty Retirement Systems in Canadian Universities.* A Report to Association of Universities and Colleges of Canada, Canadian Association of University Teachers, Canadian Association of University Business Officers, University of Toronto Press and Les Presses de l'Université Laval, Toronto, 1966, p. 40.

the institutional contributions, can form a satisfactory protection in case of death . . ." [11]

C. LONG-TERM DISABILITY INSURANCE

Our findings on long-term disability insurance [12] permit only a limited analysis of the plans' operation according to sex.

Long-term disability insurance benefits are calculated as a percentage of salary. Thus disability benefits for a female professor are subject to the salary sex differential. Generally, the percentage of salary paid to a disabled professor by the insurance, varies between 50 and 60 per cent.

TABLE XIII — Estimates of the annual value of supplementary disability benefits for female faculty if they were to receive benefits equal to those awarded males

formula of benefits as a percentage of salary	salary differential	annual differential in disability benefits
%	$	$
50.0	1 199	600
60.0	1 199	719

Thus, because of the salary differential by sex, a disabled female professor would receive monthly between $ 50 and $ 60 less during any period of disability.

Mireille Lapointe
Research Officer

11 *Ibid.*, p. 44
12 *C.A.U.T. Bulletin :* Vol. 15, No. 1, October 1966, pp. 74-77; Vol. 17, No. 4, April 1969, pp. 109-113.

TRADUCTION DES PRINCIPAUX TERMES ET EXPRESSIONS UTILISÉS DANS LE RELEVÉ DE L'ENQUÊTE SUR LES AVANTAGES SOCIAUX

Le relevé de cette enquête menée auprès des universités au cours de l'exercice 1968-1969 paraît dans la livraison d'avril 1969 du Bulletin de l'A.C.P.U. (tome 17, no 4), pp. 65-140

COÛT DES AVANTAGES SOCIAUX (p. 76)	COST OF FRINGE BENEFITS
A- assurance-hospitalisation	hospital insurance
assurance-invalidité	long-term disability insurance
assurance-maladie	medical-surgical insurance
assurance-vie	life insurance
C- caisse de retraite	pension plan
congé avec solde	leave with pay
congé de maladie avec solde	sick leave with pay
congé sabbatique	sabbatical leave
E- exonération des frais d'études	remission of tuition fees
I- indemnité de déménagement	moving allowance
indemnité de déplacement	travel allowance
P- prêt hypothécaire	mortgage loan
prêt personnel	personal loan
T- traitements des professeurs	faculty salaries

CAISSE DE RETRAITE (pp. 77-93)	PENSION PLAN
A- adhérent	faculty member
adhésion	membership
adhésion immédiate	no waiting period
âge de la retraite facultative	optional retirement age
âge de la retraite obligatoire	compulsory retirement age
âge normal de la retraite	normal retirement age
années les mieux rémunérées	best years of earnings
assurance-invalidité	long-term disability insurance
C- caisse d'épargne-retraite	money purchase pension plan
cessation des contributions	termination of contributions
cotisations de l'adhérent	individual's contributions
D- décès avant l'âge de la retraite	individual dies before retirement age
début des prestations de retraite	commencement of pension benefits
délai	waiting period
départ de l'institution avant l'âge de la retraite	participant leaves the employ of the institution
E- engagement au-delà de l'âge normal de la retraite	employment by the institution after normal retirement age
excédent du traitement sur lequel sont prélevées les cotisations du régime de retraite de l'institution	amount of salary on which contributions are made only to institutional plan

GLOSSARY OF PRINCIPAL ENGLISH TERMS AND EXPRESSIONS USED IN THE REPORT ON SURVEY OF FACULTY FRINGE BENEFITS

The report of this survey, conducted during the academic year 1968-1969, was published in the C.A.U.T. Bulletin, Volume 17, Number 4, (April 1969), pp. 65-140

F- fonds de retraite progressif	fixed formula pension plan
formule de calcul des prestations de retraite	formula for calculating pension benefits
I- incapacité	disability
investissement: rendement fixe	fixed-value bonds
investissement: rendement variable	equities
M- moyenne des traitements	average salary
O- obligatoire	compulsory
P- partage de l'investissement	division of invested contributions
prestations de retraite	pension benefits
R- rente différée	deferred pension
revalorisation des prestations	adjustment of pension benefits
revision périodique	periodic review
T- tâche administrative	administrative responsibilities
traitement	salary
traitement sur lequel sont également prélevées les cotisations du régime public de retraite	amount of salary on which contributions are made to both gov't pension plan and institutional pension plan

ASSURANCE-VIE (pp. 94-99)	LIFE INSURANCE
A- adhésion	membership
adjoint	assistant professor
agrégé	associate professor
augmenter la valeur nominale	to purchase supplementary insurance
C- chargé d'enseignement	lecturer
D- dispositions si l'adhérent est frappé d'incapacité	provisions in case of disability
E- état civil	marital status
exonération de prime	waiver of premium
F- facultative	optional
O- obligatoire	compulsory
P- prime	premium
T- titulaire	full professor
traitement	salary
V- valeur nominale	face value
- 300% du traitement jusqu'à l'âge de 45 ans; par la suite perte de 10% de la valeur nominale par année jusqu'à concurrence de 200%	300% of salary to 45 years of age, thereafter decreasing in face value by 10% per year to 100%

ASSURANCE-MALADIE (pp. 100-104)	MEDICAL-SURGICAL INSURANCE
A- adhésion	membership
C- chirurgie	surgery
F- facultative	optional
franchise	deductible
H- honoraires du médecin	doctor's fees
hospitalisation: frais de séjour	hospitalization: hospital services
hospitalisation: frais médicaux	hospitalization: medical services
M- médicaments sous ordonnance	prescription drugs
O- obligatoire	compulsory
P- participation aux frais par l'assuré	portion of the cost borne by the insured
prime	premium
protection majeure	major medical
R- régime de base	basic plan
réintégration	reinstatement
T- tarifs d'honoraires	schedule of fees

ASSURANCE-HOSPITALISATION (p. 105)	HOSPITAL INSURANCE
A- adhésion facultative	optional membership
adhésion obligatoire	compulsory membership
C- chambre deux lits	semi-private room
clinique externe	out-patient clinic
P- prime	premium

CONGÉ DE MALADIE AVEC SOLDE (pp. 106-108)	SICK LEAVE WITH PAY
A- assurance-invalidité	long-term disability insurance
D- délai de carence	waiting period
E- ententes	informal arrangements
R- régime	specific plan

ASSURANCE-INVALIDITÉ (pp. 109-113)	LONG-TERM DISABILITY INSURANCE
A- adhésion	membership
C- caisse de retraite	pension plan
D- délai de carence	waiting period
F- facultative	optional
I- incapacité partielle	partial disability
incapacité permanente	permanent disability
incapacité temporaire	temporary disability
incapacité totale	total disability
O- obligatoire	compulsory
P- prestations d'incapacité	disability benefits
prime	premium
T- traitement	salary

CONGÉ SABBATIQUE (pp. 114-118, 126)	SABBATICAL LEAVE
A- adhérent	faculty member
adjoint	assistant professor
agrégé	associate professor
années de service	years of service
assurance-hospitalisation	hospital-insurance
assurance-invalidité	long-term disability insurance
assurance-maladie	medical-surgical insurance
assurance-vie	life insurance
aucune autre condition que le nombre prescrit d'années de service	no other condition beyond the required number of years of service
aucun régime	no insurance plan
augmentation annuelle	annual increase
C- caisse de retraite	pension plan
continuation des assurances	continuation of insurance coverage
D- dernier exercice	last academic year
E- engagement à retourner à votre institution	obligation to return to one's institution
enseignement ailleurs	teaching at other institution(s)
P- permanence de l'emploi	tenure
R- recyclage	refresher course
T- titulaire	full professor
traitement	salary

CONGÉ AVEC SOLDE (pp. 119-122, 126)	LEAVE WITH PAY
A- adhérent	faculty member
adjoint	assistant professor
agrégé	associate professor
assurance-hospitalisation	hospital insurance
assurance-invalidité	long-term disability insurance
assurance-maladie	medical-surgical insurance
assurance-vie	life insurance
aucun régime	no insurance plan
C- caisse de retraite	pension plan
chargé d'enseignement	lecturer
continuation des assurances	continuation of insurance coverage
D- durée du congé	duration of leave
E- engagement à retourner à votre institution	obligation to return to one's institution
ententes	informal arrangements
P- permanence de l'emploi	tenure
R- recyclage	refresher course
régime	plan
T- titulaire	full professor
traitement	salary

CONGÉ SANS SOLDE (pp. 123-125, 126)	LEAVE WITHOUT PAY
A- adjoint	assistant professor
agrégé	associate professor
C- chargé d'enseignement	lecturer
D- durée	duration
G- genre de congé	type of leave
L- limite à la fréquence	frequency
M- mandat	term of office
R- retard dans l'augmentation des traitements et dans la promotion	postponement of consideration for salary increases and promotion
T- titulaire	full professor

EXONÉRATION TOTALE OU PARTIELLE DES FRAIS D'ETUDES (pp. 127-129)	FULL OR PARTIAL REMISSION OF TUITION FEES
A- adjoint	assistant professor
agrégé	associate professor
C- conjoint	spouse
D- délai	number of years of service required
F- frais d'études	tuition fees
P- permanence de l'emploi	tenure
professeur de son vivant	living faculty member
professeur décédé	deceased faculty member
T- titulaire	full professor
- 1er cycle d'études	undergraduate studies

INDEMNITÉ DE DÉPLACEMENT (pp. 130-133)	TRAVEL ALLOWANCE
A- allocation	allowance
C- communication	paper
D- déplacement	travel
F- faux frais	incidentals
I- indemnisation	allowance
J- justification	purpose
M- membre du bureau	member of the executive
R- réunion	meeting
S- société savante	learned society

INDEMNITE DE DEMÉNAGEMENT (pp. 134-138)	MOVING ALLOWANCE
A- adjoint	assistant professor
agrégé	associate professor
C- cas exceptionnels	special cases
E- effets personnels	furniture and personal effects
engagement à demeurer à l'université un certain nombre d'année(s) sinon remboursement au prorata	pledge to remain on faculty for a specified number of year(s) otherwise allowance pro-rated
entreposage	storage
état civil	marital status
I- indemnité	allowance
O- outre-mer	overseas
P- politique	general practice
S- séjour	living expenses
T- titulaire	full professor
V- voyage	travel

PRÊT PERSONNEL OU GARANTIES D'UN PRET PERSONNEL (p. 139)	PERSONAL LOAN OR A GUARANTEE ON A PERSONAL LOAN
C- cas exceptionnels	special cases
congé sabbatique	sabbatical leave
P- politique	general practice
R- recouvrement par retenue sur le traitement	method of repayment by payroll deduction
U- urgence	emergency

PRÊT HYPOTHÉCAIRE (p. 140)	MORTGAGE LOAN
A- adjoint	assistant professor
agrégé	associate professor
C- cas exceptionnels	special cases
cours du marché	current rate
P- permanence	tenure
personnel à temps complet	full-time staff
personnel à temps partiel	part-time staff
politique	general practice
S- S.C.H.L.	C.M.H.C.
Société centrale d'hypothèques et de logement	Central Mortgage and Housing Corporation
T- titulaire	full professor
V- valeur marchande	market value

Mireille Lapointe — (miss) Mireille Lapointe

chargé de recherches — Research Officer

ÉCHELLE DE TRAITEMENT DES PROFESSEURS DES UNIVERSITÉS ET DES COLLÈGES DU CANADA, 1969-1970 - données recueillies par le Bureau fédéral de la statistique

institution	doyen	professeur titulaire		professeur agrégé	professeur adjoint	rang inférieur à celui de professeur adjoint	autres
		directeur de département	autres				
	$	$	$	$	$	$	$
University of Alberta							
minimum	aucun	19 100	18 600	13 800	10 300	7 750	aucun
maximum	-	aucun	-	18 550	13 750	10 250	aucun
augmentation annuelle	aucune	750	750	640	500	425	aucune
Althouse College of Education						*Lecturer*	*Instructor*
minimum	aucun	16 000	16 000	12 100	10 000	7 900	6 800
maximum	aucun	aucun	aucun	aucun	aucun	aucun	aucun
augmentation annuelle	aucune	aucune	aucune	aucune	aucune	aucune	aucune
Collège de Bathurst						*senior*	*junior*
minimum	aucun	aucun	13 000	11 000	9 000	7 600	6 900
maximum	aucun	aucun	aucun	aucun	aucun	aucun	aucun
augmentation annuelle	----------	*déterminée annuellement*		----------	425	425	425
Bishop's University						*Lecturer*	
minimum	aucun	16 400	16 400	12 900	10 100	8 200	aucun
maximum	aucun	aucun	aucun	aucun	aucun	aucun	aucun
augmentation annuelle	aucune	aucune	aucune	aucune	aucune	aucune	aucune
Brandon University							
minimum	aucun	16 500	16 500	12 500	9 700	aucun	
maximum	-	aucun	-	16 500	12 500	9 700	
augmentation annuelle	----------	----------	----------	*indéterminée*	----------	----------	----------
University of British Columbia						*Instructor II*	
minimum	aucun	15 800	15 800	11 700	9 500	7 800	aucun
maximum	aucun	aucun	aucun	aucun	aucun	aucun	aucun
augmentation annuelle	aucune	aucune	aucune	aucune	aucune	aucune	aucune
Brock University							
minimum	aucun	aucun	17 000	13 100	10 400	8 300	-
maximum	aucun	aucun	aucun	aucun	aucun	aucun	aucun
augmentation annuelle	aucune	aucune	aucune	aucune	aucune	aucune	aucune
University of Calgary						*Instructor*	
minimum	aucun	aucun	18 600	13 800	10 300	7 750	aucun
maximum	-	aucun	-	18 550	13 750	10 250	aucun
augmentation annuelle	aucune	750	750	640	500	425	aucune

Carleton University							
minimum	aucun	aucun	16 700	12 600	10 000	aucun	aucun
maximum	aucun	aucun	aucun	aucun	aucun	aucun	aucun
augmentation annuelle	aucune	aucune	aucune	aucune	aucune	aucune	aucune
University of Guelph						Lecturer	Instructor
minimum	aucun	aucun	17 000	13 300	10 400	8 600	7 400
maximum	aucun	aucun	aucun	aucun	aucun	aucun	aucun
augmentation annuelle	aucune	aucune	aucune	aucune	aucune	aucune	aucune
École des Hautes études commerciales						chargé d'enseignement	stagiaire
minimum	aucun	19 000	16 000	12 700	9 300	7 800	6 600
maximum	aucun	aucun	19 150	16 000	12 700	9 900	7 500
augmentation annuelle	aucune	350	350	300	300	300-500	300
University of King's College							
minimum	aucun	aucun	aucun	aucun	aucun	aucun	aucun
maximum	aucun	aucun	15 000	13 000	11 500	aucun	aucun
augmentation annuelle	variable	variable	variable	variable	variable	variable	variable
Lakehead University							
minimum	21 500	aucun	17 300	13 500	10 650	8 850	7 455
maximum	aucun	aucun	aucun	aucun	aucun	aucun	aucun
augmentation annuelle	---------- augmentation de l'échelle ----------						
University of Lethbridge						Lecturer	
minimum	-- échelle indéterminée --		18 600	13 800	10 300	7 750	aucun
maximum	-- échelle indéterminée --		aucun	18 550	13 750	10 250	aucun
augmentation annuelle	------ indéterminée ------		750	640	500	425	aucune
University of Manitoba						Lecturer	
minimum	aucun	aucun	16 500	12 500	9 700	aucun	-
maximum	aucun	aucun	aucun	aucun	aucun	aucun	aucun
augmentation annuelle	aucune	aucune	aucune	aucune	aucune	aucune	aucune
McGill University						Lecturer	
minimum	aucun	16 820	16 820	13 140	10 100	8 400	-
maximum	aucun	aucun	aucun	aucun	aucun	aucun	aucun
augmentation annuelle	aucune	420	420	420	380	315	-
McMaster University						Lecturer	
minimum	aucun	aucun	16 500	13 000	10 250	7 500	aucun
maximum	aucun	aucun	aucun	aucun	aucun	aucun	aucun
augmentation annuelle	aucune	aucune	aucune	aucune	aucune	aucune	aucune

SALARY SCALES FOR TEACHERS AT CANADIAN UNIVERSITIES AND COLLEGES, 1969-1970 - Data supplied to the Dominion Bureau of Statistics

Institution	Deans	Full Professors		Associate Professors	Assistant Professors	Rank immediately below assistant professor	Other ranks
		Department Heads Directors	Others				
	$	$	$	$	$	$	$
Memorial University						Lecturer	Instructor
Minimum	none	16 500	16 500	13 000	10 000	7 400	6 000
Maximum	none	none	none	none	none	none	none
Annual increment	none	none	none	none	none	none	none
Université de Moncton							
Minimum	---------- no scale for 1969-1970 ----------						
Maximum	---------- no scale for 1969-1970 ----------						
Annual increment	---------- none established for 1969-1970 ----------						
Université de Montréal						chargé d'enseignement	
Minimum	variable	17 550	16 800	13 350	10 200	senior 8 200	junior 6 600
Maximum	variable	21 650	20 400	15 800	12 300	9 700	7 500
Annual increment	variable	400	400	350	350	300	300
Mount Allison University							
Minimum	none	none	none	none	none	none	none
Maximum	none	none	none	none	none	none	none
Annual increment	none	none	none	none	none	none	none
University of New Brunswick						Lecturer	
Minimum	none	15 200	15 200	12 000	9 000	7 000	-
Maximum	none	none	none	none	none	none	none
Annual increment	none	none	none	none	none	none	none
Ontario Institute for Studies in Education						Lecturer	
Minimum	none	17 600	16 600	14 400	12 200	9 500	none
Maximum	none	none	none	none	none	none	none
Annual increment	none	none	none	none	none	none	none
Université d'Ottawa *						chargé de cours	
Minimum	none	15 700	15 700	12 560	9 550	7 540	none
Maximum	none	27 000	27 000	-	-	none	-
Annual increment	undetermined	500	500	500	400	400	none
École Polytechnique						chargé d'enseignement	
Minimum	none	17 675	16 175	12 600	9 900	7 850	none
Maximum	none	22 250	20 250	17 725	13 700	10 100	none
Annual increment	none	variable	variable	variable	variable	variable	none

* l'échelle sera revisée au cours de l'exercice 1969-1970

Prince of Wales College							
Minimum	none	none	16 000	13 500	10 500	8 500	none
Maximum	-	none	-	16 000	13 500	10 500	none
Annual increment	none	none	none	none	none	none	none
Queen's University							
Minimum	none	none	17 200	13 500	10 300	none	none
Maximum	none	none	none	none	none	none	none
Annual increment	none	none	none	none	none	none	none
Collège Ste-Anne							
Minimum	none	none	14 000	11 000	8 500	7 500	none
Maximum	none	none	none	none	none	none	none
Annual increment	-	none	-	500	400	300	none
St. Dunstan's University						*Instructor*	
Minimum	none	none	16 000	13 500	10 500	8 500	-
Maximum	none	none	none	none	none	none	none
Annual increment	none	none	none	none	none	none	none
Collège St-Louis							
Minimum	none	none	12 000	9 500	7 500	6 000	5 300
Maximum	-	none	-	12 000	11 500	9 600	8 900
Annual increment	-	none	-	500	400	300	300
Collège Sainte-Marie						*chargé d'enseignement*	
Minimum	16 500	none	14 000	12 300	9 200	7 600	none
Maximum	none	none	17 200	13 350	11 600	8 400	none
Annual increment	none	none	400	350	300	250	none
St. Mary's University							
Minimum	none	15 500	15 000	12 000	none	none	none
Maximum	none	none	none	none	none	none	none
Annual increment	none	none	none	none	none	none	none
U. of St. Michael's College							
Minimum	none	16 500	16 500	12 300	10 000	8 200	none
Maximum	none	none	none	none	none	none	none
Annual increment	unspecified						
St. Thomas University							
Minimum	none	none	none	none	none	none	none
Maximum	none	none	none	none	none	none	none
Annual increment	none	none	none	none	none	none	none

ÉCHELLE DE TRAITEMENT DES PROFESSEURS DES UNIVERSITES ET DES COLLEGES DU CANADA, 1969-1970 - *données recueillies par le Bureau fédéral de la statistique*

institution	*doyen*	*professeur titulaire*		*professeur agrégé*	*professeur adjoint*	*rang inférieur à celui de professeur adjoint*	*autres*
		directeur de département	*autres*				
	$	$	$	$	$	$	$
St. Thomas More College						*Lecturer*	*Instructor*
minimum	aucun	aucun	17 350	13 400	10 000	7 800	7 400
maximum	-	aucun	-	17 250	13 300	10 400	9 400
augmentation annuelle	aucune	aucune	550	550	550	400	aucune
Université de Sherbrooke						*chargé d'enseignement*	
minimum	16 065	14 695	14 195	11 175	9 220	7 100	
maximum	25 875	21 535	20 535	19 785	14 900	12 350	
augmentation annuelle	270	270	270	270	340	340	
Sir George Williams University						*Lecturer*	*Sessional Lecturer*
minimum	aucun	17 500	16 500	13 500	10 000	8 500	7 500
maximum	aucun	aucun	aucun	aucun	aucun	aucun	aucun
augmentation annuelle	aucune	aucune	aucune	aucune	aucune	aucune	aucune
University of Toronto							
minimum	aucun	16 500	16 500	12 300	10 000	8 200	aucun
maximum	aucun	aucun	aucun	aucun	aucun	aucun	aucun
augmentation annuelle	aucune	aucune	aucune	aucune	aucune	aucune	aucune
Trent University						*Lecturer*	
minimum	aucun	aucun	17 200	13 100	10 100	8 000	aucun
maximum	aucun	aucun	aucun	aucun	aucun	aucun	aucun
augmentation annuelle	---------- *augmentation de l'échelle, année(s) de service et au mérite* ----------						
Trinity College						*Lecturer*	
minimum	17 000	17 000	16 500	12 300	10 000	8 200	aucun
maximum	---------- *indeterminé* ----------						
augmentation annuelle	---------- *variable* [1] ----------						
University of Victoria (C.-B.)							
minimum	17 500	16 500	15 500	12 200	9 500	---- *indéterminé* ----	
maximum	aucun	aucun	aucun	aucun	aucun	aucun	aucun
augmentation annuelle	-	aucune	-	(1)	(1)	(1)	-

[1] *"Satisfactory performance increments" of $ 700 (Associates), $ 550 (Assistants) and $ 450 (Lecturers) exist during early years in each rank provided salaries are below certain specified levels.*

Victoria University (Ont.)*						Lecturer	Instructor
minimum	aucun	aucun	15 800	11 700	9 500	7 800	variable
maximum	aucun	aucun	aucun	aucun	aucun	aucun	variable
augmentation annuelle	aucune	aucune	aucune	aucune	aucune	aucune	aucune
University of Waterloo							
minimum	aucun	17 800	17 200	13 500	10 400	aucun	aucun
maximum	aucun	aucun	aucun	aucun	aucun	aucun	aucun
augmentation annuelle	aucune	aucune	aucune	aucune	aucune	aucune	aucune
Waterloo Lutheran University						Lecturer	Instructor
minimum	21 000	aucune ré-	16 800	12 900 (2)	10 000 (3)	8 000 (4)	aucun
maximum	23 000	munération	aucun	16 050 (2)	12 100 (3)	9 750 (4)	aucun
augmentation annuelle	500	supplémentaire	400	350 (2)	300 (3)	250 (4)	aucune
University of Western Ontario							
minimum	aucun	16 000	16 000	12 100	10 000	7 900	6 800
maximum	aucun	aucun	aucun	aucun	aucun	aucun	aucun
augmentation annuelle	aucune	aucune	aucune	aucune	aucune	aucune	aucune
University of Windsor							
minimum	aucun	aucun	17 000	14 000	10 500	8 500	aucun
maximum	-	aucun	-	17 500	14 500	11 000	aucun
augmentation annuelle	aucune	aucune	aucune	aucune	aucune	aucune	aucune
University of Winnipeg						Lecturer	
minimum	aucun	aucun	16 500	12 500	9 700	aucun	-
maximum	aucun	aucun	aucun	aucun	aucun	aucun	aucun
augmentation annuelle	aucune	aucune	aucune	aucune	aucune	aucune	aucune
York University							
minimum	-	-	16 400	12 200	10 000	7 900	
maximum	-	-	-	aucun	aucun	-	
augmentation annuelle	-	-	-	aucune	aucune	-	

* Scale may have to be revised for 1969-1970.

[2] Minimum, maximum and increment for Category I. For Category II maximum is $ 15 900 and increment $ 250.

[3] Minimum, maximum and increment for Category I. For Category II maximum is $ 11 800 and increment $ 200.

[4] Minimum, maximum and increment for Category I. For Category II maximum is $ 9 500 and increment $ 150.

COPYRIGHT AND HIGHER EDUCATION*

**This is the text of a joint brief submitted in the Spring of 1969 to The Economic Council of Canada on the subject of the general revision of the Canadian law on copyright by the Canadian Association of University Teachers and the Ontario Universities' Television Council.*

I. INTRODUCTION

The Canadian Association of University Teachers is a voluntary association with two types of members: faculty associations of Canadian universities, and such individual teachers at each of those institutions as belong to the local member faculty associations or who otherwise qualify for membership in the national association. The Faculty associations of forty-five Canadian universities belong to the C.A.U.T. Most of the academic staff at each university belongs to the local faculty association. As a result, C.A.U.T. membership includes the vast majority of Canadian university teachers.

The Ontario Universities' Television Council is an affiliate of the Committee of Presidents of Universities of Ontario. The Council advises and assists universities on the development and use of television teaching.

Together the two groups represent, rather evenly, persons who both create and use very substantial amounts of copyrighted material in Canada. As a result, they have a special interest in a balanced approach to copyright law reform.

The submission is limited to "higher education", by which is meant, within the existing but perhaps transient institutional structure of formal education, collegiate or post-secondary education as distinct from elementary or secondary levels. Teachers in higher education are both heavy users of copyrighted works and the creators of the majority of copyrighted educational materials. However, most of the specific proposals advanced in this submission probably apply also to the elementary and secondary levels.

The object of this brief is to advance the goals of the university community so far as this may be facilitated through the copyright law. In general those goals may be described as the advancement of learning, cultural development and direct community service. More particularly, universities seek to disseminate existing knowledge and to generate new

knowledge, ends which in large part are interdependent. As community institutions they seek to evaluate, articulate and nurture personal and societal values together with techniques for implementing those values. To these ends universities seek to improve understanding, to foster creative thought and independent opinion, and to develop the critical faculties of individuals. Transmission, assimilation, and analysis of existing knowledge and opinion are indispensable foundations for the educational process. It is also essential that students receive guidance in the techniques of research. Sustained effort is directed in universities toward improving the efficiency of research tools and methods, in order to utilize more productively the full mental capacity of the researching scholar.

Realization of the primary goals of the university community clearly depends heavily on utilization of existing knowledge and creation of new material. In a revision of the copyright law, therefore, we seek a socially productive accommodation between sometimes conflicting interests of creator and user.

Political boundaries are not of primary significance to most educators. Universities at their best are international communities with a concern for all knowledge and all humanity. Consequently, Canadian universities accept an important responsibility toward students from foreign, especially developing, countries. It is from this position that we make below two proposals with respect to international copyright.

This brief will begin with a short sketch of major relevant trends in higher education. Such a factual outline will clarify the context in which proposals for specific legal changes are ventured. The next section will describe the more glaring inadequacies of existing copyright law as it affects the educator. Lastly, a number of specific proposals for reform will be advanced.

With respect to the specific proposals it must be emphasized that there is a significant degree of interdependence between them. They are suggested as a desirable balance in the public interest. It is, for example, difficult to talk of limitations to exclusive rights apart from the exclusive rights themselves. Likewise, problem areas which we have thought best to assign either to fair dealing, compulsory licence or to total exemption, might with some validity be relocated under one of the other techniques of limitation.

We make no proposals relating specifically to community antenna cable television, although those services could be affected by some of the more general submissions.

No special survey of existing Canadian practices has been undertaken for the purpose of supplying factual data to support this submission. Several recent empirical studies of university and library practices in the United States and the United Kingdom have been undertaken by others, and for most purposes these can probably be taken to indicate substantially what is happening in Canada. There is general agreement on most points.

II. FACTUAL CONTEXT

A) Technological Opportunity and Challenge for Higher Education

It is not the intention here to dwell at length on the recent but increasingly familiar technological media developments affecting reproduction and communication. However, it will be helpful to sketch the educational potential of these developments, which can be categorized as photoduplication, [1] microreproduction, computers, and electronic transmission and display.

Photoduplication of printed works has become widespread, convenient and, for many purposes, economical. Its uses in universities are many. The most common of these is the reproduction in single copies of such things as journal articles, for purposes of individual research. Advantages to the researcher include the ease and permissibility of transporting the material for convenient study and repeated reference, the ability to underline and make marginal notes without defacing material to be used by others, and the ability to cut out portions for insertion into a new work. In short, such use helps make intellectual endeavour more efficient. Photoduplication is also useful for distributing copies of limited items such as a newspaper clipping, poem or even, but more rarely, a journal article or chapter of a book, to a class. Whole new volumes of edited materials are produced in this way in limited numbers for instructional use. Libraries can guard against the risk of destruction or other loss of rare materials by producing duplicates. As well, of course, photoduplication is used heavily for internal administration.

1 This term is used here in its popular rather than technical sense, and accordingly includes such reprographic processes as Diffusion-Transfer-Reversal, Thermofax, electrostatic xerography and Verifax.

Microreproduction possesses the obvious advantages of economy in purchase cost and storage space for printed matter. Microreproduction involves photographic process, the microrecord being used with the aid of a machine reader. The two most familiar forms are microfilm and microfiche. Microfilm is commonly used in universities for the storage of daily newspapers, partly for reasons of space and partly to guard against physical deterioration. It is also used by companies in the business of reprinting books and journals which are no longer available. Microfiche, in the form of a card, works on the same principle as microfilm but can reduce size by a much greater factor.

Electronic computer systems with capacity for information storage, manipulation and retrieval [2] have great potential for educational use. "After growing wildly for years, the field of computing now appears to be approaching its infancy." [3] Characterized by their massive physical capacity, speed and flexibility, these machines promise very significant contributions to knowledge and intellectual creation in the natural, physical and social sciences, as well as in the humanities. Hypotheses can now be tested in advance against a quantity of factual data which the human mind could not encompass or utilize unaided. The conveniently oversimplified models of the past can be replaced by socially valuable empirical research, executed without much inhibiting drudgery. Computers are already heavily used in fields as diverse as mathematics, biology, linguistics and psychology, as well as in administration (e.g. timetables, library procedures, general records).

While the "push-button" library is still a few years in the future because of high cost, computer systems are capable of performing an extensive library function. Methods and systems for substantial textual digital storage are receiving study and some tentative application. Input can take place either by direct typing or by optical scanners which electronically translate into machine-readable form. This material can be retrieved at will through output units either in the form of hard copies from a line printer or tape-driven typewriter, a cathode-ray video tube, or even in the form of sounds. The latter form holds exciting promise for blind persons. It is quite conceivable that, over time, the library function of computer systems will change the very nature of the publishing industry as we know it, at least for educational materials.

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2 In this submission the following word equivalents are used : "information" and "data", "storage" and "input", "manipulation" and "processing", "retrieval" and "output".
3 *Computers in Higher Education*, Report of the President's Science Advisory Committee, p. 1. (Washington, D.C. 1967).

Computers will operate as satellite demand publishing units and the only problems will be to secure original costs of promotion, editing and composition, together with the author's continuing royalties. Just as books became less expensive when the printing press replaced copyists and scribes, so could another major social economy be provided by computer storage and output.

Recent-generation computers have a "time-sharing" capacity whereby one central data bank and processing unit can service several input and output terminals simultaneously, each working with different programs upon the same or different stored data. Some universities in the United States are already experimenting with the use of specially programmed auto-instructional devices whereby an individual student can secure educational interaction with the computer from a private console. Mounting numbers of students in universities have created great pressures to discover ways of securing individualized instruction. Computers have limited capacity to provide this, but their assistance is to be welcomed.

Whereas the developments mentioned above are currently of most value to the research function of a university, the final type of technological development to be mentioned bears largely on the instructional function. It is electronic transmission and display. Educational radio broadcasts and tape recorders are familiar instruments of this technology, but recently a wide variety of uses of audio-visual materials in education has developed, both for regular classroom purposes and for general enlightenment of wider groups including the public at large. Important attributes of these media include the creation of a valuable illusion of reality and immediacy, as well as their capacity to obviate physical limitations, whether they be the size of a classroom, the capacity of a university, or inability to attend scheduled classes due to employment, physical handicap or place of residence. The only requirement is a receiver unit. "Command performance" replay facilities can assist review sessions or slow learners.

The label "educational television", or ETV, and the varied activities it covers, are for most purposes phenomena of the last decade. When the federal government speaks of introducing legislation in 1969 to establish an educational broadcasting agency [4] which would, *inter alia*, licence ETV stations on assigned channels, it refers to open broadcast

4 "Statement on ETV" by the Secretary of State, the Hon. Mr. Pelletier (*Debates, House of Commons*, October 24, 1968, p. 1968).

programming designed primarily for general cultural, social or informational improvement. With originating stations, rebroadcasting stations, microwave links and domestic satellite relay, such a system will mean much for many persons in all parts of the country. The C.B.C. National School Telecasts are commonly cited as an example of "ETV". Other activities properly so described include dedication by local commercial stations of a portion of their program time to educational material, and provincially or regionally centralized stations which prepare broadcasts for reception in schoolrooms. The ETV branch of the Ontario Department of Education produces about 450 educational programs annually which it exhibits via the C.B.C. or private stations on time purchased by the provincial government. Some private commercial organizations market educational television programs.

The role of ETV in universities is different again. Increasing use is made of videotape recorded materials or film as part of regular and systematic programs of instruction, whether for credit or not. The programs could be broadcast openly by an appropriate transmitting facility, but most university-produced programs are recorded only for use inside a university, for particular audiences, and almost invariably are exhibited only on closed circuit. In many cases lectures or presentations are specially designed and presented for videotape recording. By contributing to instructional quality and efficiency, the educational process is improved. The instructor's time saved by use of the medium can be productively used in research or in individualized contact with the student. Recorded programs can be replayed for review sessions, for summer schools, and frequently for succeeding years. Instruction by non-resident specialists is made possible, something particularly valuable for topical or recondite matters. More generally, program exchanges between universities will spread the costs of preparation. Such exchanges are already taking place and inevitably will become more frequent.

Uses of film or videotape include more than merely extending the reach of an instructor. Phenomena which are the subject of study can often be displayed for more realistic appraisal. Indeed, the first use of film as an educational tool, by Yale University in 1922, involved production of a series of fifteen motion pictures on American history.

In general, then, educational television assists in the equalization of educational opportunity and can improve the quality of existing instruction.

There are, of course, limitations on university use of the new medium. Frequently extra visual materials must be specially prepared for exhibition on the receiver sets as part of the total presentation. Supplementary materials of a literary nature such as outlines, study guides and reading lists may have to be prepared and distributed. Supplementary tutorials in small groups are common, partly because the Socratic technique and student questions are foreclosed by a recorded lecture. Research assignments are another way in which the process may be individualized and student initiative preserved. In short, rarely if ever is a recorded lecture a complete substitute for a teacher or a book, no matter how good the program. Nevertheless, and despite the fact that most university uses of the new medium are still experimental, its value as an educational instrument is established. It adds a new and unique dimension to educational methodology. Canadian universities are, accordingly, dedicated to developing orderly and efficient television teaching to its full educational potential. Most Canadian universities own audio-visual equipment and many have special committees to study relevant problems and policies.

A recent survey of the entire spectrum of educational television in the United States [5] disclosed some characteristics probably roughly true for Canada as well. Approximately fifty percent of ETV broadcasts related directly to formal instructional activities in public schools, universities and government agencies. Ninety-five percent of ETV programs are recorded and the rest are "live". Over eighty percent of all programs are repeated more than once, and approximately eighty percent are used for more than one year.

Satellites, with their capacity to relay, to distribute and imminently to broadcast directly, supply a new dimension for massive and efficient transmission of educational material. They hold potential for teacher training in developing countries and perhaps ultimately for direct attacks on mass illiteracy. Experimentation linking directly a United States secondary school with a comparable school in France took place as early as 1965 and showed considerable promise. [6] Extensive international use of satellites for education must await international agreement, but several countries, including Canada, are already committed to the

5 Aleinikoff, et al, *Educational Television Copyright Survey* (National Educational Television, and National Centre for School and College Television, 1967).
6 Dieuzeide, "Possible Uses of Satellites in Education", in *Communication in the Space Age*, 60 at 71-73 (UNESCO, 1968).

establishment of domestic satellite communications systems.[7] Indeed, a few Canadian provinces have advanced plans for their own satellites by means of which they will be able to transmit educational programs within the province.

Cable and hertzian wave broadcast are the two traditional techniques of telecommunication. Technologically they are now supplemented by a third technique with great proven capacity, namely, laser beams.

It is, of course, an oversimplification to treat these technological developments separately. Current trends and responsible studies[8] make clear that we must envisage for the near future such features of the "global village" as extensive interconnection between reprographic devices, microrecorders, computers and international systems for transmission and display. They will provide a new, integrated and flexible system of communication and distribution. Studies prognosticate electronic machines in every home providing the opportunity to "dial" at will audio-visual materials or printed books for private reception and use. Central banks of information and programs with computer micropublishing facilities will permit multiple, simultaneous, remote library (or information) browsing and use.

Obviously, the new media possess a clear capacity to alter dramatically the physical structure of educational institutions as we know them. Given the pedagogical advantages of the new technology and its contribution to thorough and efficient utilization of a rapidly increasing quantity of collected information, there is little doubt but that the education industry will draw more and more heavily upon mechanical devices to assist in the performance of its responsibilities.

The information explosion, together with continually improving economies in acquisition cost and storage which are promised by technological developments, will generate increasing pressures on libraries. Interlibrary loan systems involving the physical movement of library materials either by mail or by special transport system (e.g. Ontario), are a familiar product of these pressures. In some cases a photocopy of material, such as journal article, is sent by interlibrary loan instead of the original in order to minimize risk of loss to a collection. The

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7 *A Domestic Satellite Communication System for Canada* (White Paper, March 28, 1968). The U.S.S.R., also characterized by a relatively small population spread over a vast geographical area, is at an advanced stage in the construction of a domestic satellite network which will be used for telephone, radio, television and facsimile transmission.

8 E. G. *INTREX: Report of a Planning Conference on Information Transfer Experiments* (M.I.T., 1965); Licklider, *Libraries of the Future* (M.I.T., 1965); Kahn and Wiener, *The Year 2000*, Ch. II (1967).

pressures on libraries to specialize will increase, and with specialization the demand for current technology of electronic facsimile transmission will intensify. The use of facsimile transmission to provide sorely needed library resources in developing countries is likewise a distinct possibility.

In short, so far as technological capacity is concerned, copyright law revision ought to take place on the assumption that anything reasonably foreseeable will be possible. The only restraining influences will be cost, ethical or value decisions and, in the case of education, educational merit. For example, it is not foreseeable that a medium so economical and convenient as the book will be reduced to insignificance in the educational process. Indeed, as higher education becomes more widely available the market for educational books will continue to increase.

B) Role of Public Finance

Partly as a result of the wars and economic crises of the first half of the twentieth century, and partly because investment in education appears to be directly related to national economic growth, governments have become heavily involved in the financing of higher education. The issues are no longer whether this commitment is necessary or desirable. Rather, the major concerns are the methods by which the most productive use of the tax dollar in the university may be secured, and responsibility for allocation and control of the educational budget. Financially, universities are big business, but questions of finance and control are made difficult by the non-quantitative nature of many university objectives. There is a current search for the proper balance of public control and university independence. Decisions respecting the proper nature, extent and methods of university-government relations are slowly evolving.

Among the high cost factors which necessitate public finance is the cost of computer and audio-visual operations. Both capital cost of the equipment and continuing operating costs are formidable. Use of these media is justified, however, by prospects of improved productivity in terms of higher quality education and research. In some instances cost-saving implications result from the efficiency of the medium alone.

Substantial recent increases in student enrolment also contribute to cost. New universities must be built and the facilities of old universities expanded. Increased demand for properly qualified instructors and the pressure for more intimate teacher-student interaction have

obvious financial implications. Graduate study facilities are being expanded to produce instructors and researchers. Academic salaries have increased substantially. Indeed, the very rapidity of change makes long range planning hazardous and sometimes costly.

The obvious need for all possible economies and lower unit costs in higher education has created pressure for inter-university cooperation in the use of certain resources. The need for some diversity of method and views, and the need for experimentation, require that forms and extent of cooperation be worked out carefully. Focal points of current attention include specialization in library resources and graduate schools, regional computer centres electronically linked with neighbouring institutions, and rationalized production and exchange of audio-visual programs.

Evolution of a post-industrial society has created a need for institutions other than universities to teach applied arts and technology, and to retrain segments of the working force. Most of this instruction and training is supported by public funds.

The research function of universities, often performed now with computer assistance, is increasingly directed to the solution of current social problems. Much of this research is sponsored by government contract or special grant, or by a grant from the university. University grants are made possible in turn by either public or private funds. Even when specific research is not commissioned or directed but is done by the scholar on his own time and initiative and apart from formal duties, it is usually related to his academic interests and teaching responsibilities and is facilitated by university resources. Many universities regard "outside" research as essential to satisfactory individual performance and provide instructional loads light enough to provide time for this.

Accordingly, the public purse is directly and extensively involved in both the use and creation of copyrighted material in higher education. It is a social investment for which neither the costs nor the benefits are easily allocated to any particular group. This is not, of course, to deny a critical role for the initiative and contribution of the individual scholar.

III. INADEQUACIES OF EXISTING COPYRIGHT LAW

Inadequacies of existing Canadian copyright law can, so far as the educator is concerned, be placed in two categories. First, the law almost completely fails to take account of recent technological advance. Insofar

as clear answers to modern problems may be found in the law, those answers are fortuitous and not always desirable. Second, some aspects of the law even as it applies to familiar problems, such as the principle of fair dealing, calculation of the term of protection and the availability of compulsory licences, are unsatisfactory.

"Copyright law as we know it presupposes the printing press as the prime disseminator of the written word." [9] The new technology challenges existing copyright law in two ways. First, new forms of expression such as electronic music, computer programs and videotape require protection as much as do the standard forms. Second, there are now new techniques by which old rights may be infringed. The photocopier is, of course, the leading example. Its use is economical, technically simple, widespread and difficult to control. No longer is it easy to monitor the amount of use some works receive. This frustrates the copyright owner because, as a general principle, copyright law seeks to make the reward commensurate with use.

Copyright law used to be of interest only to the educator who wrote a treatise. Now, as a result of the educational contributions and concomitant legal problems presented by photoduplication, computers and taped lectures, it interests all educators both as users and as creators. With respect to "live" and unrecorded classroom presentations there were and are few difficulties arising from either the use of copyrighted material or the interest in protecting one's form of presentation. But when these presentations are recorded in material form for re-use, and for economic and pedagogical reasons the programs are multiplied for sale or lease to other institutions, copyright problems arise. These include copyright clearances, ownership of the program, rights of revision or withdrawal, and compensation for the instructor.

Libraries are also meeting serious problems. Legal restrictions aside, technological developments greatly assist libraries in performing their traditional services to users. They can provide single copies of limited materials where once they could only furnish tables, papers and pencils. Displays are facilitated and interlibrary loan service made more efficient by electronic media. When the legal implications are considered, however, librarians see three alternatives: abandoning the affected services, resorting to archaic methods, or suffering a substantial obstructive increase in administration and supervision. Some librarians argue for

9 Nimmer, "PROJECT. New Technology and the Law of Copyright : Reprography and Computers", (1968) 15 UCLA Law Review 931, 931.

special exempt status under copyright law on the grounds that they are merely performing traditional, essential services more efficiently, and that some copying and imitation is an integral part of any educational process.

Goals of higher education would be served by certain substantive changes to our copyright law, but above all what is needed is concrete guidance and clarification concerning the copyright position of the educator in his various activities. Regardless of one's opinion of the merits of any given specific law, responsible people may generally be counted upon to conform to it if it is clear in its application.

The worst example of vagueness in copyright law occurs precisely where the educator most needs specificity, namely the defence of fair dealing. The courts have supplied criteria by which "fairness" is to be judged in any fact situation but, while it might even be helpful to state those criteria in statutory form as is proposed in the United States, [10] they are yet too imprecise for comfortable *a priori* application by users. The principle of fair dealing is theoretically sound in its flexibility, but it is most difficult to apply in practice. Component elements of fairness are so subjective that in many cases it is difficult to predict how a court would react and to order one's behaviour accordingly. A few situations, of course, are quite clear, but for the vast majority of situations educators must walk between the Scylla of infringing copyright and the Charybdis of an unnecessarily inhibited exchange of information and opinion. Given the unlikelihood of a lawsuit, the teacher normally interprets the law, within reason, to suit his own purposes. The copyright owner lacks an effective remedy for small isolated acts of infringement of specificity in the law.

Typical examples of these difficulties are legion. The courts tell us commercial aspects of the use are relevant to the fairness of a dealing, but precisely how far are not-for-profit uses within the doctrine ? May a teacher make a single photocopy of a journal article ? What if he is being paid for his research ? May a library levy a small charge against students for their use of its photocopier ? Must it supervise the type of material copied ? To what extent are libraries responsible for the use made of convenient coin operated photo-copying machines ? Under what circumstances, if ever, may a person or library photocopy an entire copyrighted book which is out of print ? May a teacher ever duplicate a chapter of a book for distribution to his class ? If so, is there

10 H.R. 2512, section 107 (90th Congress, 1967).

any difference between a chapter of summary or conclusions, and other chapters ? [11] Under what circumstances may copyright material be edited for inclusion in a volume of materials compiled for distribution to a class ? What if the materials are sold at cost through the university bookstore where all demand from all sources is met ? May the instructor distribute "his" materials to other institutions ? May an English professor reproduce a complete poem on an examination paper ? If a lecture is being recorded, may a copyright map be displayed on the screen, or must an instructor draw his own map ? What of a photograph, painting or slide ? How much of a poem may be read into a recorded instructional program, or how much of a dramatic piece may be performed ? Does the character of the audience affect the legitimacy of the use, and if so, might infringement take place years afterward by a particular rental of the program ? Under what circumstances, if ever, may an educational institution take a permanent record of an open broadcast program to exhibit to students by closed circuit at a more convenient time ? Can supplementary printed materials of such programs be duplicated for distribution ? The same types of difficulties attend computer storage, manipulation and output of information from copyrighted works. All these problems arise regularly, but where is a teacher to find a timely answer to his specific question ? Reasonable men would differ over the issue of fair dealing in each instance.

Excessive use without payment, even on a cumulative single-copy basis, can in critical circumstances create a spiral effect of diminished sales, higher prices, and less inclination to pay for copies at the higher price. There is some evidence, inconclusive though it may be, that this pattern of events has led to the demise of a few publications. Other evidence suggests that in some cases photocopying contributes to increased use and increased sales. [12] The reason for the apparent dis-

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11 Warnings frequently placed by publishers on the verso of title pages, underneath the copyright notice, do not contribute to legal clarity. Typical examples of such self-serving inaccurate and unenforceable representations are the following :

"No part of this book may be reproduced in any form without the permission in writing from the publishers, except by a reviewer who may quote brief passages in a review to be printed in a magazine or newspaper."

"No part of this book may be reproduced or utilized in any form or by any means, electronic or mechanical, including photocopying, recording or by any information storage or retrieval system, without permission in writing from the Publisher."

"For copyright reasons this book may not be issued to the public on loan or otherwise except in its original soft cover."

12 The two best known surveys were carried out in the United States in 1962 and 1967 respectively : *Survey of Copyrighted Material Reproduction Practices in Scientific and Technical Fields* (George Fry and Associates), (1963-64) 11 Bull. Cr. Soc. U.S.A. 69-124; Sophar and Heilprin, *The Determination of Legal Facts and Economic Guideposts with Respect to the Dissemination of Scientific and Educational Information as it is Affected by Copyright — A Status Report* (Committee to Investigate Copyright Problems), (Washington, 1967). Another useful but largely inconclusive survey was executed in 1967 under the joint sponsorship of UNESCO and the Berne Union : Barker, *Photocopying Practices in the United Kingdom.*

crepancy in the evidence is, presumably, that in one case the alternative to photocopying is purchase of a publisher's copy, and in the other the alternative is hand copying or other less efficient use. Most would agree that in the former case some payment should be made, but that in the latter case unrestricted photocopying serves the public interest.

Other frustrations arise from occasional need to secure copyright clearances or licences from owners. The teacher must first, frequently under pressure of time, determine whether the copyright has expired, something which can be difficult where the expiry date of protection depends upon the date of the creator's death and follows the death by fifty years. Particularly where the creator died more than twenty-five years before the proposed use, location of the copyright owner may pose real difficulties as a result of section 12(5) of the Copyright Act. The procedure available under the Copyright Rules is cumbersome.

The current copyright status of videotape is accidental at best. Despite the fact that section 4(3) of the Copyright Act goes only to contrivances by which sounds may be mechanically reproduced, videotape is probably covered by the definition of "work" in section 2(v) and therefore attracts copyright if it is original. It is unclear whether videotape qualifies as cinematography but probably it does not because, although the creative processes are the same as those for film, the technical processes are different.[13] If a cinematographic work is original and therefore copyrighted, but does not possess the "original character" required to qualify as a dramatic work, then it receives protection as a series of photographs with no performing right and, possibly, with a more limited term of protection. Under what circumstances, if any, may a videotape qualify as a dramatic work and thereby have a performing right as a constituent element of its copyright protection? What is its term of protection?

If videotape qualifies for copyright protection, who owns the copyright when a university instructor records a lecture or series of lectures for use in his institution? Section 12(3), going to employment under a contract of service, does not fit the university situation well. As yet, television instruction is rarely a condition of appointment, and the institution does not claim a right to direct the detail of a teacher's work. A lecturer probably owns the copyright in his written lectures, and by section 3(1)(d) his consent is therefore necessary before an electronic

13 *Canadian Admiral Corporation Ltd. v. Rediffusion Inc.*, (1954) Ex. C.R. 382 at 396-97.

record is taken of the lecture, but the major investment and often the initiative in videotape recording is supplied by his institution. If special consideration is paid by the university to the instructor for making the tape it is probable, but not clear in the absence of contract, that the producing institution owns the copyright in the videotape. Professional educators can play many roles in the production of a single instructional program including the plan, the script, the narration, the supporting visual materials, and the actual presentation. Can the final production be a work of joint authorship? Can a series of related and interdependent programs be a collective work? Under what circumstances, if ever, do supplementary printed study guides or reading lists form part of the same work as the audiovisual record? To the extent the university or other producer owns the copyright it is important that the instructor enter a contract before production to guarantee protection of his pedagogical and economic interests in the work. Such contracts are now encouraged in Canadian universities in order to prevent damaging misunderstanding. Section 12(7) of the Copyright Act is not very helpful for questions involving rights to edit, to revise, or to withdraw for obsolescence or technical inferiority.

Also lacking clarity is the extent of control conferred by copyright in a lecture which has been taped, or by the copyright in the tape record. Section 3(1) specifies the right to deliver a lecture in public, and by section 2(f) this includes delivery by means of a mechanical instrument, but closed circuit use within educational institutions is probably private. Does the increasing tendency to multiply copies, for purposes of preservation or exchange, subject the copyright owner to the compulsory licence provisions of section 19?

IV. COPYRIGHT LAW REFORM

A) Basic Premises

Certain assumptions and policy viewpoints underly the specific proposals advanced in this submission:

1) It is assumed that copyright will remain as the basic system of incentive, with its principle that reward should tend to be commensurate with the amount of use. The main concepts of copyright law were tailored for a technology of reproduction and communication that is gradually being supplanted to an extensive degree, but fundamental con-

ceptual changes should only be wrought pursuant to international agreement.

2) Copyright law is designed to advance the total public interest in the creation and use of intellectual material.

3) Copyright protection must in reality go only to the form of expression and not to informational or opinion content.

4) We must not handicap current media or distribution techniques until functional, accessible and economic alternatives are widely available as outlets for new material.

5) At the same time, avenues must be opened for the full development and use of the new media.

6) Especially, imagination and ingenuity in the full use of technological developments by educational institutions must be facilitated.

7) Statutory solutions should be as flexible as reasonably possible, in order to accommodate the dynamic features of both technological and educational processes.

8) There exists no "natural right" of a creator to a financial reward for imitation by others of his publicized creation.

9) Any statutory entitlement to exclusion and financial reward must be based only upon the socially productive results of providing such an incentive. Insofar as copyright protection is not required as an incentive to create, its availability as a technique for earning profit cannot be justified. This principle applies equally to the types of protection included in copyright, to the term of protection, and to the geographical scope of protection.

10) Copyright protection with statutory licence may nevertheless be a useful device to protect works from mutilation or other misuse.

11) The educational process is entitled to special treatment under the copyright laws, particularly with respect to fair dealing, compulsory licences and limited total exemptions. This entitlement derives from the unique public interest in the highest quality, most economical education possible,

and from the fact that most educational materials are generated by the group of educators itself, whose activities are heavily encouraged by public funds.

B) SPECIFIC PROPOSALS

SUBJECT MATTER OF COPYRIGHT

1) General

Any original work so recorded that it is capable of being reviewed, communicated or heard again essentially in its original form, whether with or without assistance from a mechanical device, should be a subject of copyright.

To gain some precision and certainty, a few specific types of works should be listed after the general statement, by way only of example and not as an exclusive list.

2) Audio-visual Works

This should be listed specifically. It is a phrase which would include videotape as well as film and would tend to place them on an equal basis. It also is a phrase capable of accommodating new developments. Supplementary rules could still be provided to cover the unique aspects of specific types of audio-visual works such as motion pictures or, even more particularly, film.

3) Computer Programs

Computer programs may well be entitled to copyright protection under existing law, but in view of the debate as to whether they should receive copyright or patent protection, or neither, it would be well to list them specifically as works entitled to copyright. It should also be made clear that only the form of expression, and not the end result of functional goal of the program, comes within the exclusive rights conferred by protection. Copyright protection will provide some guarantees for investment in programming and yet is not as exhaustive or controlling as is protection under the Patent Act, which should be denied. Such would seem a reasonable social balance for these important works.

4) Computer-Assisted Creations

Protection ought to extend to works first produced by means of, or with the assistance of, a mechanized device such as a computer.

Computer time is costly and the machine is but a calculator or writing instrument. Some difficult problems of authorship may arise, but machine involvement ought not to disqualify the work.

5) Performances and Broadcasts

At present these "neighbouring rights", which are financial interests arising from distribution, are not accorded the status of copyrightable works in Canada. Nevertheless, form and technique of presenting familiar or copyrighted material can be a highly original and creative exercise. Performances and broadcasts require financial incentive and protection as much as does the creation of new works, but currently their protection, if any can be had, depends upon laws other than copyright. Performers, for example, are fortunately able through collective strength to secure extensive protection by means of the law of contract, but even this is of limited use against third parties.

"Performers" should include actors, singers, musicians, dancers and other persons who act, sing, deliver, declaim, play in or otherwise perform literary or artistic works. Their exclusive rights should include live broadcasting, fixation on a material record, and reproduction of a fixation.

Exclusive individual rights to performances might have to be qualified by statutory presumptions of assignment for cases where several performers participate in the production of a single work such as a motion picture. Otherwise, difficulties could arise with respect to economic exploitation of the work.

Live broadcasts are also subject to recording or relay. They should not be deprived of protection for the technical reason that the broadcast does not derive from a fixed record.[14] Protection of the investment required for this service is necessary. Live broadcasts with or without visual images should be protected by copyright if fixation occurs simultaneously with transmission. This should be so regardless of the copyright status of the material being transmitted.

Special exemption would be necessary for public display from a single receiver unit, and perhaps for relay within such establishments as hotels, apartment buildings or educational institutions.

Protectable interests in performance or live broadcasts would, of course, be subject to any copyright subsisting in the material performed or broadcast.

14 *Canadian Admiral Corporation Ltd. v. Rediffusion, Inc.*, (1954) Ex. C.R. 382.

6) Typography

As with performances and broadcasts, exclusive rights should attach to particular published editions of books. These rights would be distinct from the author's copyright and, *inter alia,* would protect publishers who invest substantially in editorial, composition, printing and promotional effort to reissue rare or out-of-print publications. Currently protection on such items as a reissue of a Shakespearean play is limited to such introductory comments or other textual notes as might have been written to accompany the reissue.

One single copyright has not been an ideal vehicle for protecting the separate interests of author and publisher. Other issues in copyright law can be faced more easily if the component interests in copyright are distinguished legally.

The principle that media should receive protection independently of the material they distribute is recognized by section 4(3) of the Copyright Act. There is no reason for the application of that principle to be limited to mechanical reproduction of sounds.

OWNERSHIP OF COPYRIGHT

7) General

To provide guidance and to clarify contracts in the increasingly active and pervasive fields relevant to copyright, we endorse for inclusion into Canadian legislation a general declaratory provision along the lines proposed by the United States bill for copyright law revision:

> Ownership of a copyright, or of any of the exclusive rights under a copyright, is distinct from ownership of any material object in which the work is embodied. Transfer of ownership of any material object, including the copy or phonorecord in which the work is first fixed, does not of itself convey any rights in the copyrighted work embodied in the object; nor, in the absence of an agreement, does transfer of ownership of a copyright or of any exclusive rights under a copyright convey property rights in any material object. [15]

8) Audio-visual Works

In the absence of contract to the contrary, the maker or producer of an audio-visual program should own the copyright in it. By "maker

15 H. R. 2512, s. 202 (90th Congress, 1967).

or producer" we mean the person or body corporate who has assumed the financial responsibility for the making of the work.

9) Employment

Sections 11 and 12(3) of the Copyright Act specify cases where an employer owns the copyright in a work created by an author he employs. But tests such as "direction", "control" and "contract of service" do not make clear the position of a university researcher who is commissioned or fully supported to perform and report upon a particular research project. The researcher works independently and is usually hired because of special competence. Where public funds support such contracted work fully, and in the absence of specific agreement to the contrary, no copyright should vest in the private researcher. Difficult issues will arise when public funds support only a portion of a research project. These latter cases are best left entirely to contractual arrangement.

TERM OF PROTECTION

10) Term of Protection

The term of copyright protection should be diminished to the minimum allowed under our international obligations. By virtue of Article IV(2) of the Universal Copyright Convention that term is twenty-five years from the date of first publication. [16]

There are three main reasons for this submission. First, given the impossibility of a cost-benefit analysis, and the absence of evidence one way or the other about any correlation between length of term and amount of new material generated by additional protection and incentive, the presumption ought to be against the exclusive right. Secondly, vastly increased numbers and types of users have operated to increase substantially the total amount of compensation, and therefore the statutorily secured incentive, about what might have been envisaged in 1921 when the existing term was provided. Use of copyrighted material and the total payment to authors will in many cases continue to increase measurably as the new media are more extensively utilized. Third, given the rate of obsolescence and the appearance of new material, very few works remain in constant use for more than two decades. A longer term only frustrates occasional uses of older material.

16 There appears to be some confusion about the precise application of Article IV (2) to Canada. At its longest the requirement would be life of the author plus twenty-five years.

Preferably, the term would not be calculated from the death of the author. This technique adds unnecessary difficulty to determining the precise date on which copyright lapses. Wherever possible, the term should run from the date or year of publication or, in the case of an audio-visual work, from the date or year it was made.

The new term should not, of course, prejudice existing rights but should apply only to works published after a specified date in the future, such as December 31, 1970.

EXCLUSIVE RIGHTS

11) Public Display by Mechanical Device

Ability to produce a visual image or sound recording of a copyrighted work by electronic or magnetic means is quickly becoming a technically acceptable method of exploitation. It is preferable to specify public display by mechanical device or other contrivance as a component of copyright protection, than to rely upon judicial classification of such presentation as a reproduction in "material form" within section 3(1) of the Copyright Act.

Some limitations on this right are proposed below.

12) Computer Input

For practical reasons, copyright should include the right to store the work in a data bank. Computer storage would very probably impair the sales potential of a publication, and for reference works or such specialized publications as textbooks storage without payment to the copyright owner could be ruinous. Theoretically, the case is not so clear, but in practical effect computer storage is the adaptation of a work to another medium through which it may be used by a very wide public. Furthermore, storage on magnetic tape might obviate the need for multiple copies regardless of the amount of use, and the magnetic copy will not deteriorate appreciably with use. This would involve a severe disruption of the economics and pricing process of the publishing industry.

Fortuitously, computer input is probably covered by section 3(1)(d) of the existing Copyright Act. New legislation should, however, make clear that computer input is one of the component exclusive rights of copyright protection.

The principle of fair dealing will still apply to computer input. In addition, significant compulsory licence provisions are recommended below.

Copyright protection and the limitations on it are, of course, also relevant to output. Mere manipulation and reference use internal to the machine, with no direct output, should not be affected.

13) Closed-Circuit Programs

Unauthorized transmission, relay or recording of an audio-visual program intended only for a limited audience, should be prohibited.

This proposal is partly to secure proper distribution of the high cost of production and partly, in the case of instructional programs, to protect the instructor. Most instructional programs are designed for audiences with a particular level of qualification. Accordingly, transmission to other audiences might reflect upon the instructor's competence and reputation. Also, the proposal would facilitate guarantees when copyright clearances are secured for material used in the program.

LIMITATIONS ON EXCLUSIVE RIGHTS

14) Fair Dealing

We propose the combined use of two techniques to solve this question. First, the scope of the fair dealing defence, together with the main criteria relevant to the question of fairness, should be enacted in statutory form. Second, a permanent administrative body should receive delegated authority to frame a specific and detailed regulation about what shall and what shall not constitute fair dealing from time to time.

No one disputes the necessity of the fair dealing principle, which permits substantial parts of the whole of a work to be copied for certain purposes. Without such a safety valve the copyright monopoly would be socially intolerable. But a general statement of the fair dealing doctrine without more, is largely unworkable in practice. The requirement of specificity for satisfactory operation is indicated by the well-known "Gentlemen's Agreement", negotiated in 1935 in the United States between university users and book publishers, [17] and by a recent, similarly detailed effort in the United Kingdom. [18]

17 For the text of this arrangement and an account of its background see Hattery and Bush, eds., *Reprography and Copyright Law* (1964), pp. 157-74.

18 *Photocopying and the Law*, (Society of Authors and the Publishers Association, 1965). This pamphlet was designed as "A Guide for Librarians and Teachers and other Suppliers and Users of Photocopies of Copyright Works".

Solution in the form of specific regulation is not without disadvantages, but these are more than outweighed by the benefits. It has the great advantage of securing specificity and reasonable flexibility at the same time. By appropriate classification of materials, users and purposes, and by reference to available economic and copying data, the regulation could arrive at workable solutions. Single copies will no doubt be acceptable under some conditions and not under others. Similarly limited multiple copies for most instructional and some research purposes would be acceptable for certain works or parts of works. For example, poems, photographs or essays would probably be treated differently from exhaustive treatises. Percentage quantitative measures may be adaptable to some situations and absolute quantitative measures to others. Special provision for innocent transgression could be made, but libraries would have a concrete guide and would usually know when clearances were required.

A regulation can be amended more easily than a statute. Situations not covered by the regulation would fall to the general statutory statement for solution, but any interested party could request that the regulation be amended to cover a particular problem area. Preference for particular solutions negotiated by all interested parties could be effected by requiring the administrative agency to enact any such agreement.

The scope of the fair dealing defence with respect to study and research should be clarified to include uses in audio-visual works and computers, particularly in educational institutions.

The general criteria relevant to the question of fairness should receive enactment in more permanent statutory form. Effect of the use upon the commercial position or potential of the original is the most important criterion. Others mentioned from time to time by the courts include the type of use, spontaneity of the copying, number of copies, intent of the user, benefit derived by the user, amount of labour required by the user, nature of the work, quantity and relative value of the part reproduced, and its relation to any new work produced. It is important that no one criterion be regarded as having controlling significance. Each situation must depend, as under existing law, on all relevant circumstances.

15) Compulsory Licences

Compulsory licence provisions should be expanded considerably to cover, at least for educational purposes, all material already published

or exposed indiscriminately to the public which is not otherwise available to educators.

It is important that the law facilitate full, timely and economically realistic access by educators to all available material. Currently, the two major obstructions to this access are delay in securing copyright clearance and the need for or mechanics of payment.

Any presumption in our political system against government compulsion or interference into the pricing process is overcome by the advantages of the new media and the desirability of supporting the efforts of educators to perform their responsibility as creatively as they know how. The entire regime of copyright is a purely statutory creation. There is no reason to overemphasize a private interest in an exclusive right as the technique to secure financial reward. We must avoid a situation where, for example, a book publisher with a vested interest in one particular medium of distribution might exploit his historically dominant position to frustrate or inhibit the use of new media. Injunctions, particularly where directed against productive educational uses, are not in the public interest. Rather, maximum access to published material is imperative for the educational process.

There is, furthermore, a need to reduce the paperwork between creator and user. This need will become even more acute if a publisher's interest in his typography is recognized alongside the author's copyright. The methods of copying are new and the range of protected interests growing, but the techniques of permission and payment are ancient, restrictive and cumbersome.

Compulsory permission with payment draws the best balance between a legitimate private interest in form of expression and a legitimate public interest in access to information.

A clearing house technique, done through a permanent agency created by statute, is the only tolerable way in which both convenient and full use can be achieved and payment to the copyright owner secured. Such a permanent administrative body created by statute would establish a rare structure as well as function as a centralized clearing house. Techniques currently used by the Copyright Appeal Board and CAPAC with relation to music might be adapted for more general use.

Rules relating to the rate structure and to entitlement to compulsory licence would have to accommodate many variables, just as would the

detailed regulation on fair dealing. First, there is a wide range of types of materials such as dramatic or musical works, periodical journal articles, books out of print which are not made commercially available through reprint services, computer programs and videotape. Detailed adjustment might be necessary for more specific problems such as, for example, where commercial reprint services require a certain number of orders before they will produce any copies. There may also be cases where copying of portions of books should be permitted without requiring purchase of a complete copy.

A second variable is the user and his purpose. Preferential rates should exist for such educational uses as instructional television or private research, as distinguished from public television or commercial research. A general distinction between closed circuit and open broadcast transmission would be feasible for the use of appropriate materials. Nonprofit libraries should also receive a special rate.

Computer uses will have to receive special consideration. Input fees, for example, should vary according to the dimensions of use made possible by the particular computer system involved. Such fees could be set specially for individual cases, if necessary, since usually pressures of time are not as severe for questions of input as they are for output. Significant changes in the capacity or use of a particular electronic system could entitle the copyright owner to a further payment. The type of work, probable uses, and chances of output royalties are also relevant. For example, one would expect a higher input fee for a reference work, such as most textbooks, where most individual uses qualify as fair dealing. Storage of a scientific work in a retrieval system owned by a world-wide commercial enterprise would attract a high fee. On the other hand, certain private and limited uses might be no different from use of one's own personal copy of a work.

Computer output presents different issues. Electronic storage will greatly increase the use of some works. Although the copyright principle that reward should tend to vary with the amount of use may be primitive, it is difficult to devise a better workable principle. To say, however, that reward should vary "with" use is not to say it should vary "as" use, any more than a university teacher would argue that his remuneration should correlate in a direct linear way with the increased numbers of students he reaches by audio-visual presentation. This is, of course, a common industrial wage problem. It is generally agreed that a "reasonable" rate of payment for labour input need not vary directly with produce output.

Consumers as well as producers should share in the economies of new techniques.

Like the "public lending right" which has been developed in Scandinavian countries with respect to normal library uses, it might be desirable to pay the copyright owner a certain royalty for every hundred times his work is utilized through a computer. Collections from users would therefore be calculated on one basis and payments made to copyright owners on another basis. Indeed, this principle might well receive more general application. Among the advantages of such a technique is the reasonable opportunity it would allow for the use of computer consoles as an aid to individualized education. The machine itself can be programmed to monitor the number of uses. [19]

There are many other details of both administration and substance which will have to be worked out. Photocopiers and computers located in such institutions as libraries and schools should probably be registered with the central agency. Identification of computer use with photocopying will be appropriate in some cases but not in others.

Needless to say, the question of compulsory licences assumes that the use in question would not qualify as fair dealing.

16) Educational Exemptions

We propose an exemption for performance or display of copyrighted material by instructors in the course of instructional activities within nonprofit educational institutions. This exemption would apply alike to live classroom instruction and to recorded instructional programs, including those presented on closed circuit and on open broadcast designed primarily for classroom reception.

Special educational exemptions, which go beyond fair dealing and which yet do not require copyright clearance or royalty payment, can only be reasonably considered for noncommercial educational institutions. This would exclude such institutions as private language schools, business schools and dance studios, but would include elementary schools, secondary schools, universities and publicly supported institutions for training in applied arts and technology. It could also include privately supported nonprofit educational organizations which are open to all qualified members of the public.

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19 North American and United Kingdom book publishers have adopted a system of numerical coding which will identify each publication and which could be utilized for purposes of computer records. The system is described in a pamphlet: *Standard Book Numbering* (R.R. Bowker Co., New York, 1968).

Public policy recognizes that borrowing and adapting of existing material is critical to the educational process. It is important for the generation of new or improved material. Existing work is as much a part of the educational process as the teacher or student who transmits and examines it. Accordingly, authors properly profit directly, as do teachers, from the educational process. Classroom activities, however, such as reading poems or acting out dramatic scenes or exhibiting a map, have always been outside the scope of copyright protection. Increased use of audio-visual media, whereby such activities may be recorded permanently and transmitted extensively, raise new copyright problems.

It should be borne in mind that copyright law exists to protect form of expression only, and not idea content apart from form. It is somewhat fortuitous that copyright law is capable of inhibiting the use of a history book or scientific treaties where the form of expression is incidental to the real value.

A special case for the copyright owner can be made where his particular form of expression forms part of a lucrative or profit-making program. A more difficult case concerns the program which is not intended to make profit and does not, but which generates substantial fees for the instructor.

There are difficulties involved in applying the "nonprofit" label, but in general it is workable. Thus, a program not created to make a profit could still be licenced for fees, or copies could be sold to help meet production costs. Even if, over time, a particular program generated revenue in excess of its cost, [20] it would still remain classed as a "non-profit" use.

Limitation of the exemption to presentations by instructors is intended to exclude use by individual students through computer consoles of work not presented by the instructor. This situation is best covered by compulsory licence provisions relating to output.

17) Preservation and Security

With relation to the preservation of unpublished works of scholarly value, we commend to the Economic Council the substance of a provision proposed in the United States with respect to copyright law revision.

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20 These cases are rare. See the report of a survey by Siebert, *Copyrights, Clearances, and Rights of Teachers in the New Educational Media*, p. 44 (American Council on Education, Wash. D.C., 1964).

> . . . it is not an infringement of copyright for a nonprofit institution, having archival custody over collections of manuscripts, documents or other unpublished works of value to scholarly research, to reproduce, without any purpose of direct or indirect commercial advantage, any such work in its collection in facsimile copies or phonorecords for purposes of preservation and security, or for deposit for research use in any other such institution. [21]

Such an entitlement should, of course, be subject to any contractual arrangement under which the material was deposited in the institution.

INTERNATIONAL

18) Protocol Regarding Developing Countries

Canada should deposit with BIRPI a written declaration under Article 5 of the Protocol to the Stockholm Act of the Berne Convention, to the effect that it admits application of the provisions of the Protocol to works of which it is the country of origin.

As a matter ultimately of international political stability, developing countries must secure full access to educational and scientific works produced in developed countries. The only issue is the technique of making them available. We submit that the Protocol technique is preferable to external aid. The latter program has enough burdens to carry without performing a function which the Protocol can do satisfactorily. Use of the Protocol also is in the best long range interests of a comprehensive unified regime of international copyright protection.

To admit application of the Protocol will not be to reduce current levels of creativity or distribution in developed countries. Rather, increasing domestic educational demands together with the implementation of the proposals embodied in this submission will probably operate to increase the financial incentives to creators and distributors.

19) Relevant Treaties

Canada should not accede to the other substantive changes embodied in the Stockholm Act, but should accede to the administrative provisions in Articles 22 to 26.

Canada should also accede to the Convention Establishing the World Intellectual Property Organization. As with the recommendation

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21 H. R. 2512, s. 108 (90th Congress, 1967).

in the above paragraph, the benefit gained by accession is to secure a place in organizations which will have important influence upon future developments in international copyright.

Consistent with specific proposal number five, above, we recommend that Canada accede to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, sometimes called the "Neighbouring Rights Convention".

In the interests of the freest possible international circulation of educational materials of a printed or audio-visual nature, including those for the blind, we recommend Canadian accession to the UNESCO-sponsored Agreement on the Importation of Educational, Scientific and Cultural Materials, sometimes called the "Florence Agreement".

20) Importation

It should be possible to import, even for purposes of sale in Canada, copies of any works where the copies were produced abroad by the copyright owner or under authority granted by him.

Such a provision would still preclude importation from a person who multiplied copies under authority of the Protocol Regarding Developing Countries, or who multiplied copies in a country which did not respect a copyright respected in Canada.

The importation privilege would help keep Canadian prices for published materials as low as possible. The suggestion here is consistent with the principle of Bill C-102 respecting the Patent and Trade Marks Acts, introduced into the House of Commons in September, 1968.

MISCELLANEOUS

21) Position of the Crown

As a general principle the Crown should not be entitled to prerogative rights in the copyright field but should be governed by the Copyright Act as if it were a private person. Accordingly the opening phrase in what is now section 11 of the Copyright Act should be deleted, namely, "Without prejudice to any rights or privileges of the Crown", and the Crown should be specifically named in what is now section 45 of the Act.

Mere publication by the Crown should not operate as it currently does to vest in the Crown the copyright in the work published.

By virtue of section 11 the Crown in Canada owns many copyrights. A large amount of this material is used in universities. As a matter of practice, and apart from specialized agencies such as the National Film Board or the Canadian Broadcasting Corporation, Crown copyrights are very rarely invoked to exact royalties or prevent use.

Certain types of government publications are used for the commercial benefit of limited sections of the public. As a general principle those who make profitable use of government publications should assist their financing. Copyright is also useful to prevent distortion or misuse, and to collect royalties from export sales. Further, Crown copyright would facilitate grants of licences permitting private publishers to publish government material.

Therefore, Crown copyright should continue to be possible. We propose facilities below by which any copyright owner could serve notice of waiver of copyright, either generally or for specific uses or publications only.

The case for Crown copyright does not extend to public laws. Accordingly, statutes, regulations, proclamations, decisions of courts and tribunals, orders in council, and state papers should be specifically excluded as protectable works.

The Crown and its agencies should be liable for copyright infringement on the same basis as private persons. This is desirable as a matter of principle and, arguably. is necessary to the performance of our copyright treaty obligations. Use of copyrighted material by some civil servants in the course of their official duties might appropriately receive special attention under the regulations concerning fair dealing and compulsory licences, proposed above.

22) Publication

Publication is a critical concept in copyright law, yet one that is designed for graphic arts distribution. It is differentiated in law from performance, with the result that a heavily used taped program may remain legally unpublished, and protected, even after copyright has expired on the printed study guide which accompanies it.

Basic principles of privacy and confidence should be maintained to protect works which have not in substance been made available to the public. But the general public right to imitate, qualified or not as the case may be by a copyright of limited duration, should come to bear

upon works which have in substance been made available for public perception.

International conventions limit the extent to which Canada may substitute for "publication", as currently defined in section 3(2) of the Copyright Act, a concept of public dissemination or exploitation. However, some improvement can be made. To help adapt the concept to audio-visual works, for example, the current definition of "publication" should be clarified to include general rental, lease or lending of copies, as well as sale, to that part of the public relevant for a particular work. Such a definition would also cover current practice in the distribution of orchestral scores. Storage of a work, such as an otherwise unpublished thesis, in a computer or library for general use should constitute publication.

23) Moral Rights

The noneconomic aspects of copyright are not well protected by section 12(7) of the Copyright Act. An author's interest in the integrity of his work, now only really protectable, if at all, by contract, should receive the support of a statutory prohibition against all unauthorized changes of substance.

His paternity interest in having authorship always attributed to him should likewise be guaranteed, except for certain composite works.

24) Penalties for Infringement

For the vast majority of cases we can, of course, rely upon responsible conformity to clearly stated rules. Penalties for intentional deviation from a specific norm are, however, still required.

Penalties should be greatest where the intentional infringement was for the purpose of commercial advantage or private financial gain. For such cases both criminal sanctions and statutory minimum damages would be appropriate.

25) Permanent Administration

Various proposals ventured above envisage a permanent public administrative body, or tribunal, to which certain powers would be delegated by statute. Basically, the functions of such a body would be to provide detailed regulations where specificity is needed, to serve as a type of clearing house, and to accommodate the dynamic elements of change as and when they occur. Internal corrective machinery is needed

or copyright administration. Even now all implications of the new technology are not clear. The current rate of change will probably continue or increase, and some of today's rules will be foolish tomorrow. The legislative process is too slow for such specialized problems, particularly where no large point of principle is involved. Exercise of the delegated powers could remain subject to parliamentary disapproval.

More particularly, the functions and powers of the new agency would include:

a) formulation and amendment of a regulation on fair dealing,

b) formulation and amendment of a regulation on a compulsory licence rate structure,

c) collection and distribution of royalties owing under compulsory licence,

d) performance of the existing functions of the Copyright Appeal Board,

e) power to make rulings respecting the copyright status of technological developments which occur after the passage of new copyright legislation,

f) registration of any waivers or partial waivers of copyright protection by a copyright owner, [22]

g) power to exempt special temporary nonprofit activities of religious, charitable or educational organizations from liability under copyright law, or to grant a special compulsory licence, and

h) authority to conduct studies and research on any aspect of copyright law or its administration.

The decision-makers in the agency need not be full time employees and should contain representation from creator, distributor and user groups as well as from the government.

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22 Many works by their physical nature do not lend themselves well to an attached notification of waiver. Books are the exception, and an example of such a waiver may be found in Hattery and Bush, eds. *Reprography and Copyright Law* (1964), copyrighted by one of the editors :

"George P. Bush will not enforce his copyright after January 1, 1970. Permission to copy the whole or part of this document is hereby granted to those who wish to use such copies in educational works, professional journals, as well as in an information handling storage or retrieval system. Permission to others to copy is governed by Fair Use'."

It will be important to seek the lowest administrative costs and the most simplified and efficient administrative processes possible. Clear categories and provisions in the regulations presumably would be amenable to machine-assisted processing. Properly structured, a new administration as proposed should represent a considerable saving over the many, varied and often hidden costs of the existing system.

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NOTICE OF POSITIONS VACANT *
ANNONCE DES POSTES VACANTS *

UNIVERSITY OF ALBERTA. Department of Physiology. Applications are invited from physiologists and electron microscopists with physiological orientation. Appointments can be made at the rank of Assistant, Associate or Full Professor. Salary minima are, respectively, $10,300, $13,800 and $18,600. Enquiries should be addressed to Doctor M. Schachter, Chairman, Department of Physiology, University of Alberta, Edmonton, Alberta, Canada.

UNIVERSITY OF BRITISH COLUMBIA. Faculty of Applied Science. Applications are invited for the position of *Director of the School of Nursing.* Responsibilities would include direction of teaching and research, and participation in the development and operation of an interprofessional health science service programme. Doctorate degree or equivalent is required, plus experience in nursing education, nursing service, and administration. Write to Dr. Frank Noakes, University of British Columbia, Vancouver 168, B.C.

Department of Fine Arts, seeks a Head for the Department of Fine Arts, to assume duties 1 July, 1970 or earlier. Applicants should be concerned with strengthening the Bachelor's and Master's programmes in western and oriental art history, developing the studio programme, and furthering awareness of contemporary art. Applications should be sent to: The Dean of the Faculty of Arts, University of British Columbia, Vancouver 8, B.C., Canada.

UNIVERSITY OF CALGARY. Faculty of Arts and Science, Department of Geography. Applications are invited for the position of Head of the Department of Geography, effective 1 July, 1970. It is anticipated that this appointment will be at the full professor level, with current minimum salary of $18,600. The Department has approximately 20 appointments in the professorial ranks and is involved in teaching and research to the Ph.D. level. The University of Calgary anticipates 8,600 full-time students in 1969-70 with projected increases of 20-25%

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* Institutions are charged for announcements of *Positions Vacant* at the rate of 75¢ per line or fraction thereof, with a minimum of $3 per notice. Notices should be sent to the Editor, *C.A.U.T. Bulletin,* 233 Gilmour St., Suite 700, Ottawa 4, Ontario.

* Le taux de l'annonce des postes vacants est fixé à soixante-quinze cents par ligne ou fraction de ligne; le prix minimal est de trois dollars. Veuillez adresser toute annonce au directeur du *Bulletin de l'A.C.P.U.,* 233, rue Gilmour, bureau 700, Ottawa 4, Ontario.

per year for the next ten years. The usual fringe benefits, removal allowances etc. apply. Enquiries should be addressed to the Dean of the Faculty of Arts and Science, University of Calgary, Calgary 44, Alberta, Canada.

Department of History. Applications are invited for the position of Head of the Department of History, effective 1 July, 1970. It is anticipated that this appointment will be at the full professor level, with current minimum salary of $18,600. The Department includes 23 appointments in the professorial ranks and is involved in teaching and research to the M.A. level. The main areas of specialization include Europe, British Commonwealth and the Americas. Plans to develop a Ph.D. programme are underway. The University of Calgary anticipates 8,600 full-time students in 1969-70 with projected increases of 20-25% per year for the following ten years. The usual fringe benefits, removal allowances etc. apply. Enquiries should be addressed to the Dean of the Faculty of Arts and Science, University of Calgary, Calgary 44, Alberta, Canada.

UNIVERSITY OF GUELPH, WELLINGTON COLLEGE OF ARTS AND SCIENCE. Department of Sociology and Anthropology. Applications are invited for the position of Professor and Chairman of the Department. This position is for an established scholar who would continue with a limited amount of teaching and research while providing leadership for a department with 25 members. Considerable North American experience is desirable. As professor he would have tenure. As Chairman, he would serve for 5 years and then resume full-time teaching in the Department. The Department has a fully developed undergraduate programme (general and honours degree) and an M.A. programme. Duties commence in 1970. Salary $18,000 to $20,000 depending on qualifications. Applications to: Dean M. H. M. MacKinnon, Wellington College, University of Guelph, Guelph, Ontario, Canada.

UNIVERSITY OF LETHBRIDGE. Sociology and Anthropology. Vacancies on assistant or associate professorship level; introduction, contemporary theory, methodology, demography, and social or cultural anthropology preferred, but flexibility according to specialization possible; Ph.D. required; experience desirable; high salaries, 9-6 hour teaching load, removal expenses and other fringe benefits. September, 1969 or January, 1970. Write: Bernard J. Gorrow, Chairman, Department of Sociology and Anthropology, University of Lethbridge, Lethbridge, Alberta, Canada, (403) 327-2171, Extension 351.

UNIVERSITY OF MANITOBA. Department of Electrical Engineering. Control Systems position open with special interest preferred in industrial applications and design. Must be interested in research and undergraduate and graduate teaching to the Ph.D. level. IBM 360/65 and EAI 580 computers available. Salary and rank commensurate with qualifications. Write the Head, Department of Electrical Engineering, University of Manitoba, Winnipeg, Manitoba, Canada.

QUEEN'S UNIVERSITY. Department of Sociology. The position of Head for the Department of Sociology, to be separated from the Department of Political Studies, is to be filled. At present there are eleven staff members engaged in full-time teaching and research in Sociology. Persons interested should write to Dean R. L. Watts, Faculty of Arts and Science, Queen's University, Kingston, Ontario, Canada, as soon as possible giving complete *vita.*

UNIVERSITY OF SASKATCHEWAN. Department of Music. Vacancy for Assistant Professor in Music Literature-Strings Combination. (Violin or Viola). Salary range $10,000 — $13,000, teach three classes (introductory lit., orchestration, string techniques) and be a member of the Amati Quartet. Address inquiry to D. L. Kaplan, Head, Department of Music, Saskatoon, Sask.

SIMON FRASER UNIVERSITY. Statistician. Expanding Canadian university requires a Mathematical Statistician (Permanent, or one-year visiting appointment). *Duties:* To guide the growth of the statistics section of the Mathematics Department which presently offers service and basic mathematical statistics at the undergraduate and graduate levels. Teaching loads are 6 hrs./wk. *Qualifications:* The applicant should have the Ph.D. and qualify for a full Professorship. Candidates with applied learnings are preferred. *Salary and Fringe Benefits:* Salary no less than $17,000 for qualified applicant. The university adds 10% of gross salary to a pension fund. Complete medical insurance plans are available for nominal premiums. *Inquiries:* Professor E. M. Shoemaker, Acting Head, Department of Mathematics, Simon Fraser University, Burnaby 2, British Columbia, Canada. Applicants should enclose a *curriculum vitæ* and give indication of when they are available (preferably September, 1969).

UNIVERSITY OF WATERLOO. Department of Earth Sciences. This Department will be appointing a Chairman to commence duties in 1970. Other appointments may be made at the same time. Applications are invited from candidates in the fields of groundwater, geology, engi-

neering geology, stratigraphy (with computer interests), exploration geophysics, and sedimentary geochemistry. Outstanding applicants in other fields of geology will be considered. Salary and rank will depend on qualifications and experience but will be in the following ranges (12-month basis): Professor $17,200 up; Associate Professor $13,500 — $17,200; Assistant Professor $10,400 — $13,500. Applications including a complete *curriculum vitæ* and the names of three referees should be sent to: The Chairman, Department of Earth Sciences, University of Waterloo, Waterloo, Ontario. The University of Waterloo is the third largest university in the province with over 9,000 students. It is located in the heart of south-western Ontario about 70 miles west of Toronto. The University has gained international fame for its computer facilities and has the largest engineering faculty in Canada. The recent establishment of a Division of Environmental Studies on the campus embracing Schools of Architecture and Planning and a Man-Environment Department will have important implications to this Department in the sphere of environmental geology. The Department is especially anxious to secure the services of a person with a vigorous modern attitude to Geology and the earth sciences.

Faculty of Engineering. Applications are invited for the position of Chairman, Department of Chemical Engineering, University of Waterloo, Ontario, Canada. The post carries with it the position of Professor or Associate Professor depending upon qualifications and experience. Applications, including a *curriculum vitæ,* should be sent to A. N. Sherbourne, Dean of Engineering, University of Waterloo, from whom further particulars can be obtained.

BISHOP'S UNIVERSITY. Faculty of Arts. Applications are invited for the post of Dean of the Faculty of Arts, the appointment to be effective July 1st, 1970. Salary, at rank of full professor, will be commensurate with qualifications and experience. Applications with *curriculum vitæ* and the names of three referees should be sent to the Chairman, Dean of Arts Selection Committee, Bishop's University, Lennoxville, Quebec.

NOTICE OF PERSONS AVAILABLE FOR APPOINTMENT **

ANNONCE DES PROFESSEURS DISPONIBLES **

Box 1. Theatre. Male, American, 30, Yale Ph.D. in Theatre History. Six years' teaching experience in Theatre History, Dramatic Lit., Dramatic Crit., Directing, Acting, Pub. plus Practical Experience; desires post which combines scholarly and practical aspects of theatre.

Box 2. Sociology and Economics. Male, 44, ABD. (Lapsed). 16 years' college teaching experience. Tenured assistant professor. Recommended for restoration to associate professorship held elsewhere '62-'64 but not promoted for budgetary reasons. Some modest publications. Married, 2 children. Will relocate only to begin with tenure and with associate professorship. Available May, 1970.

Box 3. Physics. Physicist with 11 years' post-Ph.D. experience in university teaching and research, 15 publications, desires position in English-speaking university. Special interests: teaching, experimental nuclear physics. Available Sept., 1970.

Box 4. History. Assistant Professor of History at New York college earnestly wishes to teach in Canadian university. English history specialist (Tudor-Stuart) with minor in Medieval history. Two years' teaching experience instructing undergraduates — Western Civilization, English history, European Social and Intellectual history. Presently completing Ph.D., Michigan State University.

Box 5. Applied and Experimental Physiology — Bachelor Surgery. Main experience, practice of medicine, government projects. Can teach animal, human physiology: muscle, nerve; cardiovascular, respiratory, central nervous systems; aero-space physiology. Would participate in research according to existing need.

** For fuller information write to the relevant Box No. at the C.A.U.T. National Office, 233 Gilmour St., Suite 700, Ottawa 4, Ontario.
Notices of person available for appointment are carried at $3 for 40 words and $4 for 50 words. Notices for insertion should be sent to the C.A.U.T. National Office.

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Le taux de l'annonce est fixé à trois dollars pour quarante mots et quatre dollars pour cinquante mots. Les annonces doivent être envoyées au secrétariat de l'A.C.P.U.

Box 6. International Relations, or History and Politics. Member British diplomatic service with previous academic experience seeks University post. Degrees — B.A., Reading; A.M., Columbia; Ph.D., London. Has lectured in numerous American universities, served in U.S.A. and been extension lecturer Cambridge and London universities. Travelled widely in Canada. Author three books on Regency England, Oxford Press; American political scene, Nelson; and European situation 1937, Hodge. Former Head, Department of History, Queen's College, London. Aged 63. Available September, 1969.

Box 8. Music. Canadian pianist, European-trained, bilingual, experienced soloist, chamber music player, lecturer, teacher. Presently teaching eastern Canadian conservatory. Interested in university teaching position. Available July, 1970.

Case 8. La musique. Pianiste canadien, ayant étudié en Europe, bilingue, soliste expérimenté, musique de chambre, conférencier, professeur. Enseigne présentement dans un conservatoire de l'est du pays. Aimerait faire de l'enseignement universitaire. Disponible en juillet 1970.

Box 9. Plant Pathology. Male, married, 35, Ph.D. (Florida), Indian University Reader, desires a teaching and/or research position. Specialization in cereal smuts and physiology of parasitism. Thirteen years' experience of research and teaching in India and U.S.A. Resumé on request.

Box 10. History. Ph.D., male, Canadian, with family. Field: Nineteenth century Britain, and also Europe. Desires post for fall of 1970.

Box 11. Social Cultural Anthropology Comparative Sociology. Male, 33, Ph.D., Canadian Negro communities, Caribbean. North American Indian political organization. Race Relations. Social change. Pleasant societies. Political sociology. Urban ethnic minorities. Current research. Journal articles. Book published 1970. Available Fall 1970.

Box 12. Social-Cultural Anthropologist. Ph.D. Fieldwork and teaching experience in North America, Europe, Asia. Book, monograph, numerous articles. Interdisciplinary orientation (historical sociological). Major interest in developing areas, theory. Prefer eastern Canada. Available fall, 1970.

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* *A glossary of technical terms in English is provided for the various sections of the survey of faculty fringe benefits in the C.A.U.T. Bulletin, Volume 18, No. 1, pp. 60-62.*

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In 10 seconds, describe the size, shape, color and structure of a specimen of rhodochrosite.

Done.

For you to describe verbally the above specimen, would take considerably longer than is necessary for your students to assimilate a visual image of it. That's what's so great about photography: regardless of what subject you teach, photography can help you explain it faster, easier and a lot more effectively.

Of course, finding the right slide (or print) to illustrate a specific problem or idea isn't always easy, that's why the KODAK EKTAGRAPHIC Visualmaker came into being. The Ektagraphic Visualmaker is, in effect, a complete visual production kit, so easy and foolproof to use that anyone can make his own top-quality visuals. All you do is position the Visualmaker over your subject and shoot. No fussing with focus, exposure or framing. The range of material you can use on the Visualmaker is almost limitless. For example, any type of printed matter such as newspapers; full-color illustrations from magazines; or details from maps, charts and graphs; even from three dimensional objects such as flowers, fossils, old coins, or as in the above example, geological specimens.

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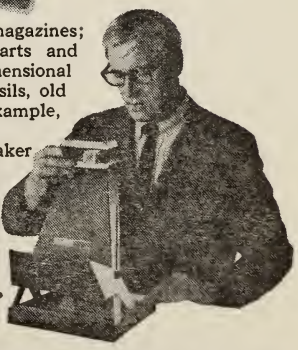

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